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DOCKETS

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215-03-A B.Q. 11 Kildare Walk,
east side, 154.99' south of Oceanside Avenue, Block
16350, Lot 400, Borough of Queens. Alt.1 #401578315.
Proposed building not fronting on a legally mapped street,
and has an upgraded private disposal system 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.

216-03-A B.Q. 73 Reid Avenue,
east side, 287.35' north of Rockaway Point Boulevard,
Block 16350, Lot 300, Borough of Queens. Alt.1
#401627343. Proposed building 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.

217-03-BZ B.BK. 140/42
Pennsylvania
Avenue, southeast corner of Liberty Avenue, Block 3703,
Lot 21, Borough of Brooklyn. Alt.1 #301521333.
Proposed one story and cellar expansion, of an existing
one story and cellar retail building, Use Group 6, located
in an R5 zoning district, is contrary to Z.R. §52-22.
COMMUNITY BOARD #5BK

218-03-BZ B.Q. 19-73 38th Street,
corner
of 20th Avenue, Steinway Street and 38th Street, Block
811, Lot 1, Borough of Queens. N.B. #401444923.
Proposed nine-story mixed use building with residential,
commercial and community facility uses, located in an M1-
1 zoning district, which does not comply with the zoning
requirements for the uses, permitted floor area, total height
and perimeter wall, is contrary to Z.R. §42-00, §23-141 and
§23-631.
COMMUNITY BOARD #1Q

219-03-BZ B.Q. 175-15 Rockaway
Boulevard, north side, between 175th Street and 149th
Road, Block 13381, Lot 1, Borough of Queens. Applic.
#401685798. The legalization of an existing philanthropic
institution with sleeping accommodations, Use Group 3, in
an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #13Q

220-03-BZ B.Q. 175-21 149th Avenue,
a/k/a 175-48 148th Road, 140' east of 175th Street, Block
13380, Lots 11 and 63 (Tentative Lot 11), Borough of
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existing philanthropic institution with sleeping
accommodations, Use Group 3, in an M1-1 zoning district,
and the addition of a new building that does not comply
with the the rear yard requirement, is contrary to Z.R. §42-
00 and §43-23 and §43-27.

COMMUNITY BOARD #13Q

221-03-BZ B.M. 253/55 West 28th
Street,
north side, 105'-1" east of Eighth Avenue, Block 778, Lot
7, Borough of Manhattan. Alt.1 #102987314. The
legalization of three existing residential units, located on
the third, fourth and fifth floors, of a five story mixed use
building, in an M1-1 zoning district, is contrary to Z.R. §42-
00.

COMMUNITY BOARD #5M

222-03-BZ B.Q. 30-04 73rd
Street,
southwest corner of 30th Avenue, Block 1121, Lot 6,
Borough of Queens. Alt.1 #401573631. Proposed
enlargement of the second floor of an existing one family
dwelling, that will be converted into a two family dwelling,
located in an R4 zoning district, which will encroach into the
required front yard, is contrary to Z.R. §23-45 and §54-313.

COMMUNITY BOARD #3Q

223-03-BZ B.Q. 115-15 Farmers
Boulevard,
bounded by 115th Road and 115th Avenue, Block 11032,
Lot 4, Borough of Queens. Applic. #401404805.
Proposed installation of a wireless telecommunications
facility, located in a C2-2 within an R3-2 zoning district,
requires a special permit from the Board as per Z.R. §73-
30.

COMMUNITY BOARD #12Q

224-03-BZ B.Q. 139-19 109th Avenue,
bounded by 139th and 142nd Streets, Block 10068, Lots
210, 213, 214 and 215, Borough of Queens. Applic.
#401618807.
Proposed installation of a wireless telecommunications
facility, located in an R3-2 zoning district, requires a
special permit from the Board as per Z.R. §73-30.

COMMUNITY BOARD #12Q

DOCKETS

225-03-A B.Q. 21 Park End Terrace, north side of Rockaway Point Boulevard, 94.61' west of Bayside Drive, Block 16340, Lot 50, Borough of Queens. Alt.1 #401618923. Proposed first floor enlargement, and a proposed new second story to an existing single family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

226-03-A B.Q. 30 Reid Avenue, south side, 264.91' west of Marshall Avenue, Block 16350, Part of Lot 300, Borough of Queens. Alt.1 #401633194. Proposed first floor alterations, and a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

227-03-A B.Q. 5 Bath Walk, west side, 56.00' north of Proposed 12th Avenue, Block 16350, Part of Lot 400, Borough of Queens. Alt.1 #401633185. Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

228-03-A B.Q. 32 Gotham Walk, west side, 62.26' north of Stehn Promenade, Block 16350, Part of Lot 400, Borough of Queens. Alt.1 #401639786. Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

229-03-BZ B.S.I. 303 Crystal Avenue, southeast corner of Watchogue Road, Block 472, Lot 149, Borough of Staten Island. N.B. #500602065. Proposed erection of a one family detached residence, Use Group 1, located in an R-2 zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

COMMUNITY BOARD #1SI

230-03-BZ B.S.I. 144 Billop Avenue, southeast corner of Brighton Street, Block 7881, Lots 67, 1 and 2, Borough of Staten Island. N.B. #500609273. Proposed erection of a one family detached residence, Use Group 1, located in an R-3A zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

COMMUNITY BOARD #1SI

231-03-BZ B.BK. 63 and 65 Columbia Street, southeast corner of Congress Street, Block 299, Lots 7 and 8, Borough of Brooklyn. Applic. #301481037. Proposed construction of a six story building, with a mezzanine and cellar, to contain eighteen residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #6BK

232-03-BZ B.Q. 32-45 75th Street, eastside, 100' north of Northern Boulevard, Block 1171, Lot 46, Borough of Queens. Applic. #401563287. Proposed additional storage of vehicles, on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, is contrary to Calendar No. 171-93-BZ and Z.R. §22-00.

COMMUNITY BOARD #3Q

233-03-A B.Q. 25 Gotham Walk, east side, 102.01' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1 #401633167. Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

234-03-BZY B.M. 499 Greenwich Street, east side, 41' south of Spring Street, Block 594, Lots 29 and 37, Borough of Manhattan. N.B. #103413735. Application is hereby made under Z.R. §11-331 to extend the time of construction for a minor development for a period of six months.

235-03-A B.S.I. 119 Kenilworth Avenue, east side, 40' south of Winston Street, Block 5725, Lot 32, Borough of Staten Island. Applic. #500605384. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

236-03-A B.S.I. 18 Winston Street, south side, 100' west of Woodrow Road, Block 5725, Lot 48, Borough of Staten Island. Applic. #500583451. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DOCKETS

237-03-BZ B.BK. 3077 Bedford Avenue, east side, between Avenues I and J, Block 7589, Lot 25, Borough of Brooklyn. Alt.1 #301537969. Proposed enlargement of an existing one family dwelling, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) and §23-47.
COMMUNITY BOARD #14BK

238-03-BZ B.BK. 2305 Olean Street, north side, 16'-1½" east of East 23rd Street, Block 7677, Lot 63, Borough of Brooklyn. Applic. #301238550. Proposed side and rear enlargements, to an existing synagogue and parsonage, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.
COMMUNITY BOARD #14BK

239-03-BZ B.M. 468 West Broadway and 140 Thompson Street, fronting on West Broadway and Thompson Street, between West Houston and Prince Streets, Block 516, Lot 7, Borough of Manhattan. Applic. #103459570. Proposed extension of the uses (studios w/accessory living/ sleeping /accommodations) allowed on floors two through six of the West Broadway portion of the building, to the ground floor portion of the building, located in M1-5A and R7-2 zoning districts, is contrary to Z.R. §42-14D.
COMMUNITY BOARD #2M

240-03-BZ B.Q. 83-10 and 83-16 188th Street, south side, between Midland Parkway and Radnor Road, Block 7263, Lots 35 and 39, Borough of Queens. Applic. #s401591808 and 401646527. Proposed enlargement of an existing two story synagogue, Use Group 4, located in an R1-2 zoning district, which does not comply with the zoning requirements for floor area ratio, building height, side yards, rear yard, also the proposed addition of lot 39 to the existing building, is contrary to Z.R. §24-10, §24-111, §24-521, §24-35 and §24-36, and a previous variance granted by the Board under Cal. No. 815-85-BZ.
COMMUNITY BOARD #8Q

241-03-BZ B.BK. 1183 East 28th Street, east side, 100' north of Avenue "L", Block 7628, Lot 11, Borough of Brooklyn. Applic. #301553726. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear yard and minimum side yard, is contrary to Z.R. §23-141(a), §23-47 and §23-48.
COMMUNITY BOARD #14BK

242-03-BZ B.BK. 1858 East 26th Street,

west side, 285'-0" north of Avenue "S", Borough of Brooklyn. Applic. #301053507. 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, open space ratio, rear yard, side yard, minimum side yard, lot coverage and perimeter wall, is contrary to Z.R. §23-141(b), §23-47 and §23-48 and §23-631(b)
COMMUNITY BOARD #14BK

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

AUGUST 12, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 12, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

867-55-BZ

APPLICANT - Carl. A. Sulfaro, Esq., for 66-15 JR Realty Corp., owner.

SUBJECT - Application June 17, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 19, 2001.

PREMISES AFFECTED - 66-11 Borden Avenue, northeast corner of Clinton Avenue, Block 2394, Lot 8, Maspeth, Borough of Queens.

COMMUNITY BOARD #5Q

444-67-BZ

APPLICANT - Eric Palatnik, P.C., for Hillside 188th Street Corp, owner; BP Products North America, owner.

SUBJECT - Application June 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

1122-81-BZ

APPLICANT - The Agusta Group, for Brothers Roofing Supplies Co., Inc., owner.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 9, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 1692, Lots 3, 5, 9 & 11, Borough of Queens.

COMMUNITY BOARD #3Q

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded 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 Kildare Walk, east side, 192.27' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough

Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

221-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Charand Associates, LLC, owner; The Learning Spring Foundation, Inc., lessee.

SUBJECT - Application July 11, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 252-254 West 29th Street, south side of West 29th Street, Block 778, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

134-03-A

APPLICANT - James Periconi, Esq., for Olive Freud.

OWNER OF RECORD - Hudson Waterfront Associate.

SUBJECT - Application April 21, 2003 - An appeal challenging the Department of Buildings' March 20, 2003 denial of applicant's request to revoke the permit for construction at said premises, enforce the conditions of the Special Permit and Restrictive Declaration, Art. II, §2.01(d), dated December 17, 1992, and to enforce the conditions of the Mapping Agreement, dated May 27, 1998.

PREMISES AFFECTED - 240 Riverside Boulevard, a/k/a "Building A", between West 72nd Street and Riverside Boulevard, Block 1171, Lot 105, Borough of Manhattan.

COMMUNITY BOARD #7M

195-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Charles & Margaret Collins, lessees. of Queens.

COMMUNITY BOARD #14Q

196-03-A

CALENDAR

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Raymond G. Strype, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded 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 - 6 Devon Walk, west side, 20.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

197-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joseph & Kathleen Lynch, lessees.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 30 Lincoln Walk, west side, 248.63' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

198-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; James and Nancy Denison, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 42 Roosevelt Walk, corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

AUGUST 12, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 12, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc, owner.

SUBJECT - Application May 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a synagogue and twenty-one apartments, Use Groups 2 and 4, with a twenty-three car garage, accessory to the residential use, located in an R6-A zoning district, which does not comply with the zoning requirements for floor area, base and building height, is contrary to Z.R. §24-11 and §23-633.
PREMISES AFFECTED - 402 Avenue "U", aka 2133 East

ZONING CALENDAR

119-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Columbus Centre, LLC, owner; Equinor Columbus Centre, Inc., lessee.

SUBJECT - Application April 14, 2003 - under Z.R. §73-36 to permit the proposed physical culture establishment, within portions of the ground floor and second sub-cellar of fifty-four mixed use building, currently under construction, located in an C6-6(MiD) zoning district, which requires a special permit as per Z.R. §§32-10 and 81-10.

PREMISES AFFECTED - 10 Columbus Circle, a/k/a 301 West 58th Street, a/k/a 300 West 60th Street, northwest corner of west 58th Street and Columbus Circle, Block 1049, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

COMMUNITY BOARD #12Q

178-03-BZ

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

179-03-BZ

Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

185-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for AJJ Canal, LLC, owner.

CALENDAR

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the proposed change of use of a portion of an area located on the building's first floor, formerly occupied by single screen movie theater to retail use, and also a portion of the cellar for the same use, Use Group 6, in an existing three story with cellar commercial building, located in an M1-5B zoning district, is contrary to Z.R. §42-14 D2(b).

PREMISES AFFECTED - 277 Canal Street, northeast corner of Broadway, Block 209, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

187-03-BZ

APPLICANT - Marvin B. Mitzner, Esq, of Fischbein Badillo Wagner Harding, for Robert Hollander and Steve Abrahms, owners.

SUBJECT - Application June 6, 2003 - under Z.R. §73-125 to permit the reestablishment of an expired special permit, previously granted under Cal. No. 142-88-BZ, which permitted medical offices, Use Group 4, that exceeded 1,500 square feet of floor area in an R2 zoning district.

PREMISES AFFECTED - 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens.

COMMUNITY BOARD #11Q

Pasquale Pacifico, Executive Director

AUGUST 13, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

DISMISSAL CALENDAR

276-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Morton Osterman.

PREMISES AFFECTED - 922/926 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner of Bedford Avenue and Willoughby Avenue, Block 1914, Lots 43, 44, 46 (tentative Lot 43), Borough of Brooklyn.

COMMUNITY BOARD #1BK

77-03-BZ & 78-03-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Better Luxury Home, Inc.

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 260-32 Grand Central Parkway, east side of Grand Central Parkway, 9' south of Grand Central Parkway and 267th Street, Block 8443, Lot 123, Borough of Queens.

COMMUNITY BOARD #13Q

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 160 Norfolk Street, west side, 300' north of Oriental Boulevard, and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

132-92-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Joseph DiStefano.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road, between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

70-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Flatlands 84th Realty Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 761 East 84th Street, east side of East 84th Street, 89' north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

361-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 214 25 Street Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenue, Block 655, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #7BK

85-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 926 Bedford LLC, owner.

SUBJECT - to dismiss the application for lack of prosecution.

84-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Nissan Perla

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 35-40 30th Street, aka 35-37 29th Street, frontage on West side of 30th Street, east side of 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

263-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Sando Realty by David Mosher

SUBJECT - to dismiss the application for lack of prosecution.

CALENDAR

PREMISES AFFECTED - 1800 Coney Island Avenue, west side, 260' north of Avenue O, south of Avenue N, Block 6592, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #12BK

290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Edgewater Development, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

114-01 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 125, Borough of Queens.

114-03 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 126, Borough of Queens.

114-05 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 127, Borough of Queens.

114-07 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 128, Borough of Queens.

114-09 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 129, Borough of Queens.

114-11 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 130, Borough of Queens.

114-13 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 131, Borough of Queens.

114-15 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 132, Borough of Queens.

114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough of Queens.

114-23 Taipei Court, north side, 491' west of 115th Street, Block 4019, Lot 134, Borough of Queens.

114-25 Taipei Court, north side, 471' west of 115th Street, Block 4019, Lot 135, Borough of Queens.

114-27 Taipei Court, north side, 451' west of 115th Street, Block 4019, Lot 136, Borough of Queens.

114-29 Taipei Court, north side, 421' west of 115th Street, Block 4019, Lot 137, Borough of Queens.

Pasquale Pacifico, Executive Director

114-31 Taipei Court, north side, 411' west of 115th Street, Block 4019, Lot 138, Borough of Queens.

114-33 Taipei Court, northwest corner of 115th Street, Block 4019, Lot 139, Borough of Queens.

114-35 Taipei Court, north side, 371' west of 115th Street, Block 4019, Lot 141, Borough of Queens.

114-20 Taipei Court, south side, 501' west of 115th Street, Block 4019, Lot 124, Borough of Queens.

114-22 Taipei Court, south side, 491' west of 115th Street, Block 4019, Lot 123, Borough of Queens.

114-24 Taipei Court, south side, 471' west of 115th Street, Block 4019, Lot 122, Borough of Queens.

114-26 Taipei Court, south side, 451' west of 115th Street, Block 4019, Lot 121, Borough of Queens.

114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens.

114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens.

114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens.

114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens.

114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens.

COMMUNITY BOARD #7Q

177-86-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Harry & Brady Santoro

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 851 Forest Avenue, north side 348' West of Broadway, Block 220, Lot 78, Borough of Staten Island.

COMMUNITY BOARD #1SI

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 17, 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, May 6, 2003, were approved as printed in the Bulletin of May 15, 2003, Volume 88, No. 20.

SPECIAL ORDER CALENDAR

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the

Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on March 14, 2001; and

WHEREAS, a public hearing was held on this application on November 12, 2002, after due notice by publication in *The City Record*, and laid over to December 10, 2002, February 25, 2003, April 29, 2003, June 3, 2003 and then to July 15, 2003 for decision; and

WHEREAS, on March 14, 1961, the Board granted an application to permit in a residence use district, the reconstruction of an existing gasoline service station, lubricatorium, non-automatic auto laundry and office and to extend the uses to include minor auto repairs with hand tools only, sales of accessories, parking and storage of motor vehicles and an increase in the area of the plot for a term of twenty years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on March 14, 2001, 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 March 14, 2001 to expire on March 14, 2011, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this

MINUTES

application marked "Received July 11, 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 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 #1355/60)

Adopted by the Board of Standards and Appeals, July 15, 2003.

705-51-BZ

APPLICANT - Eric Palatnik, P.C., for 163-15 Northern Flushing Corp., owner; BP Products North America, lessee.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired May 19, 1999 and for an amendment to the resolution.

PREMISES AFFECTED - 163-15 Northern Boulevard, Northern

WHEREAS, on October 10, 1951 the Board granted an application to permit in a business use district, the erection and maintenance of a gasoline service station, lubrication, car washing, storage and sale of accessories, motor vehicle repairs and office and to permit the parking of cars waiting to be serviced.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §11-411, said resolution having been adopted on August 9, 1951 as amended through May 19, 1998, so that as amended this portion of the resolution shall read:

"to permit a change in signage from a 57 square feet of illuminated signage and 37.5 square feet of non-illuminated signage for a total of 94.5 square feet of signage to 58 square feet of illuminated signage and 5 square feet of non-illuminated signage for a total of 63 square feet of signage and to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, on *condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 9, 2003"- (5) sheet; and on further condition;

THAT the premises shall be maintained free of debris

Boulevard and 164th Street, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution amended and time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy, which expired on May 19, 1999; and

WHEREAS, the applicant has also requested an amendment to the resolution for a change in signage from 57 square feet of illuminated signage and 37.5 square feet of non-illuminated signage for a total of 94.5 square feet of signage to 58 square feet of illuminated signage and 5 square feet of non-illuminated signage for a total of 63 square feet of signage; and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record, and laid over to July 15, 2003 for decision; and

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 # 401462788, 401462779, 401467756, 401467621, 401462760, and 401467765)

Adopted by the Board of Standards and Appeals, July 15, 2003.

292-58-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp., owner; BP Products North America, lessee.

SUBJECT - Application March 18, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires October 22, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner

MINUTES

of Bussing Avenue and East 233rd Street, Block 4857, Lot 44, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

Adopted by the Board of Standards and Appeals, July 15, 2003.

60-82-BZ

APPLICANT - Eric Palatnik, P.C., for BP Amoco Corp., owner.
SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete a certificate of occupancy which expired September 28, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution

WHEREAS, on July 7, 1982 the Board granted an application for the reconstruction of an existing automotive service station with accessory uses into a gasoline and oil selling station without repair services for a term of fifteen years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted on July 24, 1952 as amended through April 19, 1999, so that as amended this portion of the resolution shall read:

“to permit a change in signage from a total of 129 square feet of illuminated signage to 65.5 square feet of illuminate signage and 9 square feet of non-illuminated signage for a total of 74.5 square feet of signage and to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 9, 2003”- (5) 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;

amended and time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy which expired on September 28, 2000; and

WHEREAS, the applicant has also requested an amendment to the resolution for a change in signage from a total of 129 square feet of illuminated signage to 65.5 square feet of illuminate signage and 9 square feet of non-illuminated signage for a total of 74.5 square feet of signage; and

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record, and laid over to July 15, 2003 for decision; and

WHEREAS, on July 24, 1952 the Board granted an application to permit in a business district, the erection and maintenance of a gasoline service station, lubritorium, car washing, motor vehicle repairs, storage and sale of accessories, office, and parking of motor vehicles waiting to be serviced for a term of fifteen years; and

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB # 401509783, 401408071, 401509765, 401408062, 401408080, and 401509774)

Adopted by the Board of Standards and Appeals, July 15, 2003.

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 48 Laight Street, Associates, LLC, c/o The Daten Group, Inc., owner.

SUBJECT - Application April 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 48 Laight Street, (166-172 Hudson Street) at northeast corner of Laight and Hudson Streets, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis R. Angelino and David Ennis.

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

THE VOTE TO GRANT -

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

MINUTES

Miele.....4
Negative:0
THE RESOLUTION-

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record, and laid over to July 15, 2003 for decision; and

WHEREAS, the applicant has requested an amendment to the variance to permit an increase in the number of dwelling units from five to ten and to make minor alterations to the balconies and courtyard, which do not increase the floor area and are not readily visible from the exterior; and

WHEREAS, on February 26, 2002, the Board granted an application to permit in an M1-5 Tribeca Mixed Use district, the construction of a six-story building with Use Group 6 retail stores on the ground floor and Use Group 2 loft dwelling units on the upper floors, which is contrary to Z.R. §42-00; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

“to permit an increase in the number of dwelling units from five to ten and to make minor alterations to the balconies and courtyard, which do not increase the floor area and are not readily visible from the exterior,” *on condition*

THAT the New York City Landmarks Preservation Commission approves the proposed alterations to the APPLICANT - Eric Palatnik, P.C., for Aaronoff FLP and Leonard Lazarus, owner; BP Products North America, lessee.

SUBJECT - Application May 2, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired April 18, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 74-01 Eliot Avenue, Eliot Avenue and 74th Street, Block 2844, Lot 46, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

558-51-BZ

balconies and courtyard;

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 10, 2003”- (9) sheets; and on further condition;

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

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

THAT the 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 # 102796146)

Adopted by the Board of Standards and Appeals, July 15, 2003.

361-49-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired September 13, 2000.

PREMISES AFFECTED - 68-22 Northern Boulevard, southwest corner of 68-22 Northern Boulevard and 69th Street, Block 1186, lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

118-71-BZ

APPLICANT - Edward Lauria, P.E., for Dominick Suppo, owner.

SUBJECT - Application February 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 299 Guyon Avenue, northwest corner

MINUTES

of Hylan Boulevard and Guyon Avenue, Block 4301, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Edward Lauria.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

COMMUNITY BOARD #2B

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 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.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for continued hearing.

261-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for Imtiaz Mohammed, owner.

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 10 A.M., for continued hearing.

192-92-BZ

APPLICANT - Anthony M. Salvati, for Mr. Paul Rose, owner.

SUBJECT - Application May 30, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 900 Southern Boulevard, northeast corner of Southern Boulevard and Barretto Street, Block 2735, Lot 1, Borough of The Bronx.

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

PREMISES AFFECTED - 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 81, Borough of Staten Island.

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated September 4, 2002, acting on NB. Application No. 500525611, reads in pertinent part:

- “1. Street giving access to the proposed building is not placed on the official map of the City of New York therefore,
 - A. No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and
 - B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage and therefore contrary to Section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated November 8, 2002 the Fire Department has reviewed the above project and has no objections provide that a sign containing the name and address of the business must be placed on Sharrotts Road at the entrance to the driveway to this building; and

MINUTES

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated September 4, 2002 acting on NB. Application No. 500525611 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 15, 2003"-(1) sheet; and that the proposal comply with all applicable M1-1 (S.R.D) zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT a sign containing the name and address of the business be placed on Sharrotts Road at the entrance of the driveway to this building;

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 PREMISES AFFECTED - 7 East Market Street, north side, 15' east of Beach 201st Street, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated March 27, 2003 acting on ALT 1. Application No. 401626576, reads in pertinent part:

"1- Proposal to construct a new one story addition on a home which lies within an R4 district but does not front on a mapped street is contrary to Article 3, Section 36 of the General City Law and Section 27-291 of the of the Building Code and must therefore, be referred to the Board of Standards and Appeals for approval.

WHEREAS, by the letter dated April 10, 2003 the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated March 27, 2003 acting on ALT 1. Application No. 401626576 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 4, 2003"-(1) sheet; and that the proposal

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, July 15, 2003.

103-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc, owner; John & Joan O'Hara, owners.

SUBJECT - Application April 4, 2003 - Proposed construction of a new one story addition to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

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

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

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

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

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

Adopted by the Board of Standards and Appeals on July 15, 2003.

21-02-A thru 25-02-A

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

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

PREMISES AFFECTED -

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

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

258-35 Francis Lewis Boulevard, east side, 310.3' south

MINUTES

of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.

SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.

5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.

45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

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

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

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

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

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

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:40 A.M.

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**REGULAR MEETING
TUESDAY AFTERNOON, JULY 17, 2003
2:00 P.M.**

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

ZONING CALENDAR

165-02-BZ thru 175-02-BZ

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

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

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky and Stuart Klein.

For Opposition: Hiram Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 7, 2002 acting on Application No. 301341625 reads:

“Proposed residential dwellings in M1-1 Zoning District are contrary to section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals”; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in *The City Record*, and laid over to December 10, 2002, February 4, 2003, March 18, 2003, May 6, 2003, and June 17, 2003 and then to July 15, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21,

CEQR #02-BSA-208K thru CEQR #02-BSA-213K

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

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

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

to permit the construction of a five-story, Use Group 2 residential building in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, this application was heard in conjunction with 186-02-BZ through 190-02-BZ, which is a similar proposed development on the adjoining property; and

WHEREAS, each of these zoning calendar cases is accompanied by a concurrent appeals case, which addresses the issues of non-compliance with Multiple Dwelling Law, Article 3, §26 and §27-733 of the New York City Building Code; and

WHEREAS, the subject properties total 21,250 square feet in area and are located on the east side of Classon Avenue between Park Avenue and Myrtle Avenue; and

WHEREAS, the subject properties currently contain three substandard, functionally obsolete, structurally hazardous and vacant structures, i.e. - a warehouse, an industrial building, a commercial building, which the applicant intends to demolish, in addition to a vacant lot; and

WHEREAS, the owner proposes a five-story and cellar multiple dwelling with sixteen family units; and

WHEREAS, in response to Community concerns and requests made by the Board, the applicant has significantly scaled down the proposed development from nine buildings to two, 45 units to 32 units, reduced the height of the building by ten feet, a substantial setback added to the top floor so that it is not visible from grade, reduced the proposed floor area by more than 10,000 square feet to yield an FAR of 3.08, in addition to adding parking facilities; and

WHEREAS, the applicant asserts that the structures which currently exist on the property cannot be renovated, but rather they require demolition due to their state of disrepair and their outdated designs; and

WHEREAS, the applicant asserts that the subject lots are significantly undersized for an as-of-right construction; and

WHEREAS, the applicant also asserts that Classon Avenue is a narrow street as defined by the Zoning Resolution, which makes the movement of trucks and other vehicles associated with industrial facilities difficult and inefficient; and

WHEREAS, the applicant represents that the small size of the subject properties has made it logistically impossible to provide the BSA required 16 parking spaces, therefore 11 parking spaces have been proposed; and

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

WHEREAS, the evidence in the record, including a feasibility study, indicates that due to the costs of the proposed demolition, in addition to the small size of the subject properties, an as of right manufacturing development would not yield a reasonable rate of return; and

WHEREAS, the applicant represents that there are many vacant properties and multiple dwelling units, as well

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford 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; 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 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 3, 2003"- (5) sheets and "Received July 7, 2003"- (4) sheets and *on further condition*;

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

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

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

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

as some garages, factories and community facilities in the surrounding area; and

WHEREAS, the record shows that the Taaffe Place Playground runs along the rear of the subject properties; and WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or 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

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, July 15, 2003.

166-02-A thru 176-02-A

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

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

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

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

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

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky and Stuart Klein.

For Opposition: Hiram Rothkrug.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 07, 2002 acting on Application No. 301341625, reads:

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“NYC Building Code Section 27-733 Light and Air not provided”; and

WHEREAS, the decisions of the Brooklyn Borough Commissioner, dated May 07, 2002 acting on Application Nos. 301341876, 301341643, 301341607, 301341616, and 301341652 read:

“1. 30 foot rear yard not provided contrary to MDL Article 3, Section 26

2. NYC Building Code Section 27-733 Light and

WHEREAS, each of these appeals cases is accompanied by a concurrent zoning case which addresses the issues of non-compliance with Zoning Resolution §42-00; and

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

Resolved, that the decisions of the Brooklyn Borough Commissioner, dated May 07, 2002 acting on Application No. 301341625, 01341876, 301341643, 301341607, 301341616, and 301341652 are modified and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received June 3, 2003”- (5) sheets and “Received July 7, 2003”- (4) sheets; on further condition

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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, July 15, 2003.

186-02-BZ thru 190-02-BZ

CEQR #02-BSA-221K thru CEQR #02-BSA-223K

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

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

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

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

Air not provided”; and

WHEREAS, the applicant represents that the small size of the subject properties creates a hardship with respect to rear yard and light and air compliance; and

WHEREAS, the applicant asserts that the proposed development will provide a 20 foot rear yard and the Taaffe Playground, which abuts the rear of the subject properties, will supply necessary light and air to the residential development; and

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

COMMUNITY BOARD #2BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, Brooklyn, dated May 21, 2002 reads:

“Proposed residential dwellings in M1-1 Zoning District are contrary to section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals”; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in *The City Record*, and laid over to December 10, 2002, February 4, 2003, March 18, 2003, May 6, 2003, and June 17, 2003 and then to July 15, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the construction of a five-story, Use Group 2 residential building in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, this application was heard in conjunction with 165-02-BZ through 175-02-BZ, which is a similar proposed development on the adjoining property; and

WHEREAS, each of these zoning calendar cases is accompanied by a concurrent appeals case which addresses the issues of non-compliance with Multiple Dwelling Law, Article 3, §26 and §27-733 of the New York City Building Code; and

WHEREAS, the subject properties total 21,250 square feet in area and are located on the eastside of Classon Avenue between Park Avenue and Myrtle Avenue; and

WHEREAS, the subject properties currently contain three substandard, functionally obsolete and vacant structures, a warehouse, an industrial building, a commercial building, which the applicant intends to demolish, in addition to a vacant lot; and

WHEREAS, the owner proposes a five-story and cellar

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multiple dwelling with sixteen family units; and

WHEREAS, in response to Community concerns and requests made by the Board, the applicant has significantly scaled down the proposed development from nine buildings to two, 45 units to 32 units, reduced the height of the building by ten feet, substantially setback the top floor so that it is not visible from grade, reduced the proposed

WHEREAS, the applicant asserts that the subject lots are significantly undersized for an as of right construction; and

WHEREAS, the applicant also asserts that Classon Avenue is a narrow street as defined by the Zoning Resolution, which makes the movement of trucks and other vehicles associated with industrial facilities difficult and inefficient; and

WHEREAS, the applicant represents that the small size of the subject properties has made it logistically impossible to provide the required 16 parking spaces, therefore 11 parking spaces have been proposed; and

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

WHEREAS, the evidence in the record, including a feasibility study, indicates that due to the costs of the proposed demolition, in addition to the small size of the subject properties, an as of right manufacturing development would not yield a reasonable rate of return; and

WHEREAS, the applicant represents that there are many vacant properties and multiple dwelling units, as well as some, garages, factories and community facilities in the surrounding area; and

WHEREAS, the record shows that the Taaffee Place Playground runs along the rear of the subject properties; and WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or 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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; 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 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 3,

floor area by more than 10,000 square feet to yield an FAR of 3.08, in addition to adding parking facilities; and

WHEREAS, the applicant asserts that the structures which currently exist on the property cannot be renovated, but rather they require demolition due to their state of disrepair and their outdated designs; and

2003"- (5) sheets and "July 7, 2003"-(4) 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 substantial construction shall be completed in accordance with Z.R. §72-23;

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

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

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

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, July 15, 2003.

188-02-A thru 191-02-A

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

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the construction of two, five-story, Use Group 2 residential buildings in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated May 31, 2002 reads:

"NYC Building Code Section 27-733 Light and Air

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not provided"; and

WHEREAS, the applicant represents that the small

WHEREAS, the applicant asserts that the proposed development will provide a 20 foot rear yard and the Taaffe Playground, which abuts the rear of the subject properties, will supply necessary light and air to the residential development; and

WHEREAS, each of these appeals cases is accompanied by a concurrent zoning case which addresses the issues of non-compliance with Zoning Resolution §42-00; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated November 13, 2002 acting on ALT 1. Application No. 401484791, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received June 3, 2003"- (5) sheets and "July 7, 2003"- (4) sheets; on further condition

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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, July 15, 2003.

267-02-BZ

CEQR #03-BSA-048K

APPLICANT - Harold Weinberg, P.E., for Barry Braunstein, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §73-622 to permit the proposed extension of residential use into the attic, of an existing one family dwelling, Use Group I, located in an R2 zoning district, which does not comply with the zoning requirements for rear yard, open space ratio and floor area ratio is contrary to Z.R. §23-141 and §223-47.

PREMISES AFFECTED - 3478 Bedford Avenue, west side, 230'0" north of Avenue "N", Block 7660, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality

size of the subject properties creates a hardship with respect light and air compliance; and

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 3, 2002, acting on Application No. 301421049 reads in pertinent part:

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

- 1) INCREASES THE FLOOR AREA ABOVE THE ALLOWABLE FLOOR AREA RATIO AND OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION (ZR).
- 2) THE PROPOSED ENLARGEMENT IN THE REAR YARD REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 ZR.”; and

WHEREAS, a public hearing was held on this application on June 17, 2003 and then laid over to July 15, 2003 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence in an R2 zoning district which does not comply with the requirements for floor area ratio, open space ratio and rear yard and is contrary to Z.R. §§23-141 and 23-47; and

WHEREAS, Community Board #14 in Brooklyn has recommended approval of this application; and

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

WHEREAS, the applicant has provided the Board with the copy of an easement agreement between the owners of 3478 and 3472 Bedford Avenue which allows for the ingress and egress of vehicles to the garage at the northwest corner of the subject site; and

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

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

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

Review and makes the required findings under Z.R. §73-622 to permit the enlargement of a one-family residence in an R2 zoning district which does not comply with the

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requirements for floor area ratio, open space ratio and rear yard and is contrary to Z.R. §§23-141 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 27, 2003"- (13) sheets, *on further condition*;

THAT there shall be no habitable room in the cellar;

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

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

THAT the above conditions shall appear on the certificate of occupancy;

THAT no construction shall begin until the non-complying rear yard green house enclosure and in ground pool have been dismantled and removed;

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 new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, July 15, 2003.

362-02-BZ

CEQR #03-BSA-102K

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

SUBJECT - Application December 13, 2002 - under Z.R. §73-622 to permit the erection of a rear enlargement at the second floor level of an existing two-story, single family dwelling, which is non-compliant with the requirements for floor area ratio, open space ratio, and lot coverage under the Zoning Resolution, and which 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 -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 10, 2002, acting on Application No. 301477293 reads:

“THE ENLARGEMENT OF THE RESIDENCE IN AN R3-1 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NONCOMPLIANCE FOR FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION;
2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO OPEN SPACE AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION;
3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO LOT COVERAGE AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION”; and

WHEREAS, a public hearing was held on this application on May 20, 2003 and then laid over to June 24, 2003 and then to July 15, 2003 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the erection of a rear enlargement at the second floor level of an existing two-story, single family dwelling, which is non-compliant with the requirements for floor area ratio, open space ratio, and lot coverage under the Zoning Resolution, and which is contrary to Z.R. § 23-141 and §54-31; and

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

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

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

the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-

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622 to permit the erection of a rear enlargement at the second floor level of an existing two-story, single family dwelling, which is non-compliant with the requirements for floor area ratio, open space ratio, and lot coverage under the Zoning Resolution, and which is contrary to Z.R. §23-141 and §54-31, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 30, 2003"- (8) sheets, "July 10, 2003"- (4) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

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

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

THAT the above conditions shall appear on the certificate of occupancy;

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

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

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

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

Adopted by the Board of Standards and Appeals, June 24, 2003.

365-02-BZ

CEQR #03-BSA-105K

APPLICANT - Agusta & Ross, for 4306 3rd Avenue, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit in an M1-2 district, the proposed vertical enlargement of a vacant former mixed use multiple dwelling for office and showroom uses which is contrary to floor area and rear yard requirements of Z.R. §§43-12 and 43-26.

PREMISES AFFECTED - 4306 Third Avenue, north side, 22' west of 43rd Street, Block 727, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 21, 2002 acting on Alt. 1. Application No. 301329220 in pertinent part reads:

"This request is made for a BSA approval:

	Max Permitted Existing	Proposed		
F.A.R.-ZR43-12	2.0	1.58	3.41	
	Min Required Existing	Proposed		
Rear Yard-ZR43.26	20'-0"	10'-1¼"	10'-1¼"	

"; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in The City Record and laid over to July 15, 2003 for decision; and

WHEREAS, Community Board No. 7 in Brooklyn recommended approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit in an M1-2 district, the proposed vertical enlargement of a vacant former mixed use multiple dwelling for office and showroom uses which is contrary to floor area and rear yard requirements of Z.R. §§43-12 and 43-26; and

WHEREAS, the subject site is located on the westerly side of Third Avenue, fronting upon the elevated Gowanus Expressway (near 43rd Street); and

WHEREAS, the record indicates that the premises was originally designed in the 1940s as a mixed use apartment building, with ground floor retail and two apartments above, but this building was gutted by fire damage in 1996 resulting in the existing two-story structure; and

WHEREAS, the applicant represents that the site predates the construction of the Gowanus Expressway and that its proximity to the Expressway has lead to the demise of the residential aspects of the immediate area as evidenced by the subject building's vacancy of nearly ten years; and

WHEREAS, the applicant has demonstrated that the instant application will enable the productive use of a long vacant, former burnt out building; and

WHEREAS, the aforementioned history of development since the introduction of the Gowanus Expressway and the building's severe fire damage yields a building that despite documented efforts to obtain a conforming tenant is obsolete for conforming manufacturing uses; and

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WHEREAS, therefore the Board finds the above conditions create an undue burden in conforming to applicable zoning; and

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

WHEREAS, the record indicates that the introduction of office and showroom uses at the subject site would not adversely affect the character of the surrounding neighborhood; and

WHEREAS, the record indicates that the surrounding area is characterized by commercial/manufacturing uses; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit in an M1-2 district, the proposed vertical enlargement of a vacant former mixed use multiple dwelling for office and showroom uses which is contrary to floor area and rear yard requirements of Z.R. §§43-12 and 43-26, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 11, 2003"- (2) sheets and "Received March 27, 2003"- (5) sheets; and on further condition;

THAT the premises shall comply with all applicable accessibility regulations including any elevator requirements; and

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

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

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

THAT construction shall be completed in accordance

WHEREAS, the site and surrounding area had a site

with Z.R. §72-23;

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

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

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

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

Adopted by the Board of Standards and Appeals, July 15, 2003.

24-03-BZ

CEQR #03-BSA-121Q

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

SUBJECT - Application January 13, 2003 - under Z.R. §11-411 to permit on site previously before the Board, in an C2-1 within an R2 zoning district, the reestablishment of a variance previously granted under Calendar Number 624-39-BZ, which permitted a gasoline service station and an automobile repair facility (Use Group 16).

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 28, 2002 and updated December 12, 2002 acting on Alt Application No. 1205 reads:

"Proposed use of a gas station lubritorium auto laundry (non-automatic) minor auto repair shop with hands tools only and parking of motor vehicles awaiting service located in a C1-2 in R2 district is not permitted and must be referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 15, 2003 after due notice by publication in *The City Record* and laid over to 2003 and then to July 15, 2003, for decision; and

and neighborhood examination by a committee of the

MINUTES

Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §11-411 to permit, on site previously before the Board, in an C2-1 within an R2 zoning district, the reestablishment of a variance previously granted under Calendar Number 624-39-BZ, which permitted a gasoline service station and an automobile repair facility (Use Group 16); and

WHEREAS, the subject property is located on a rectangular parcel between Utopia Parkway and Surrey Place in the Fresh Meadows section of Queens measuring 140' in width and a depth of 100'; and

WHEREAS, the site is improved with an 18' high, 2,595 square foot automobile repair facility containing four (4) gasoline pump islands and convenience store with accessory parking for eight (8) cars; and

WHEREAS, on July 23, 1946, under Calendar Number 624-39-BZ, the Board permitted for a term of ten (10) years a gasoline service station and the erection of a building housing an office, auto laundry and lubricatorium, installation of eight 550 gallon storage tanks, each with two pumps set back at least 10 feet from the building line and to construct along the lot line and a 6 foot high brick wall; and

WHEREAS, on January 25, 1955, the Board granted an amendment enlarging the site to allow an accessory building; and

WHEREAS, the record indicates that the site has received additional amendments and extensions with the last extension of term expiring January 25, 2000; and

WHEREAS, the applicant represents that due to corporate and ownership changes, an application to extend the aforementioned term was never filed and notes that the site has been occupied by a gasoline service station and repair facility for nearly fifty (50) years; and

WHEREAS, the Board finds that the continuation of the subject use will create no foreseeable adverse impacts on the privacy, quiet, light and air of the surrounding area; and

WHEREAS, the record indicates that the instant application will not interfere with any public improvement project which is approved or pending before the City Council, Site Selection Board or City Planning Commission; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

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

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

Resolved that the Board of Standards and Appeals issues a 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. §11-411 to permit, on site previously before the Board, in an C2-1 within an R2 zoning district, the reestablishment of a variance previously granted under Calendar Number 624-39-BZ, which permitted a gasoline service station and an automobile repair facility (Use Group 16), *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 13, 2003"- (1) sheet; and on further condition;

THAT the term of the grant is limited to ten (10) years from the date of this resolution expiring on July 15, 2013;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, July 15, 2003.

94-03-BZ

CEQR #03-BSA-154M

APPLICANT - Marvin B. Mitzner, Esq., Fischbein Badillo Wagner Harding, for Moklam Enterprises, Inc., owner.

SUBJECT - Application March 26, 2003 - under Z.R. §72-21 to permit in an M1-5B zoning district, the legalization of an existing retail use in the cellar of a six-story building, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 622/26 Broadway, a/k/a 156/60 Crosby Street, east side of Broadway, 118' north of East Houston Street, Block 522, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

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WHEREAS, the decision of the Borough Commissioner, dated March 25, 2003 acting on ALT 1 Application No. 103414217 reads:

“Proposed use group 6 below the floor level of the second story is contrary to section 42-14 (d) (b) ZR. New use is being proposed at cellar level”;
and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in *The City Record*, and laid over to July 15, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-5B zoning district, the legalization of an existing retail use in the cellar of a six-story building, which is contrary to Z.R. §42-14; and

WHEREAS, by letter dated June 2, 2003, Community Board #2 has recommended approval of this application; and

WHEREAS, the subject site is an irregularly shaped through lot running from Broadway to Crosby Street located 119 feet north of the northeast corner of Broadway and East Houston Street, with a depth of approximately 196 feet and frontages of approximately 75 feet on Broadway and 70 feet on Crosby Street; and

WHEREAS, the site is located within the NOHO Historic District in an M1-5B zoning district which does not permit retail uses below the level of the second floor; and

WHEREAS, the record indicates that the subject site is improved with a six-story and cellar commercial building with offices and studios on the upper floors, and retail uses on the ground floor and cellar; and

WHEREAS, the ground floor retail use is a legal non-conforming condition with the offices and studios on the upper floors permitted under current zoning, and the cellar space is listed under the Certificate of Occupancy for use as commercial art, dance and theatrical studios; and

WHEREAS, the applicants states that due to the lack of natural light and comparatively low ceilings, the cellar space is not conducive for use as studio space; and

WHEREAS, the applicant represents that as the cellar is located below a retail space, there is little utility for the space other than for retail occupancy, specifically in conjunction with the first floor occupant; and

WHEREAS, the Board finds that the aforementioned history of use of the ground floor and cellar level of the premises, in addition to the lack of natural light and comparatively low ceilings create an unnecessary undue hardship in developing the cellar level in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with 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

a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains a large number of retail uses on the ground floor level; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or 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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; 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 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-5B zoning district, the legalization of an existing retail use in the cellar of a six-story building, which is contrary to Z.R. §42-14, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received March 26, 2003”- (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 shall be noted in the Certificate of Occupancy;

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

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

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, July 15, 2003.

284-01-BZ

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

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,

MINUTES

Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 12, 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: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 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 September 9, 2003, at 1:30 P.M., for continued hearing.

265-02-BZ

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

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being
SUBJECT - Application October 31, 2002 - under Z.R. §72-21 to permit the proposed conversion of a vacant industrial building into a forty-nine unit residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 752 Pacific Street, between Carlton

changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman and Nicholas Koutsomitit.

For Opposition: Jack Lester, William Brothum, S. White, Carrol Ostrow and Lo Van deo Valk.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

279-02-BZ

APPLICANT - Harold Weinberg, P.E., for Michael Pellegrino, owner.

SUBJECT - Application May 2, 2003 - under Z.R. §73-622 to permit the legalization of a second story to an existing one story, one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, floor area ratio and side yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 76 Aster Court, east side, 34'0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

324-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Henry Weinstein, owner; 752 Pacific LLC, lessee.

and Underhill Avenues, Block 1129, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES - None.

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

MINUTES

334-02-BZ thru 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

374-02-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

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

377-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ben Gardner, owner.

SUBJECT - Application January 30, 2003 - under Z.R. § 72-21 to permit the proposed construction of a twenty-seven unit residential complex, in a three story building, with retail use on the ground floor, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 124-20 Jamaica Avenue, corner of 125th Street, Block 9333, Lot 7, Borough of Queens.

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tarnopol (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 #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

36-03-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker, Richard C. Hellenbrecht and Andrew B. Roth.

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

40-03-BZ

COMMUNITY BOARD #9Q

APPEARANCES - None.

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

44-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

MINUTES

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99th Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

73-03-BZ

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine.

For Opposition: Carlos Vargas-Ramos, Daniel Perez, Richard Harley, Beverly Smith, Regina Smith, Rosetta Williams, Jo Anne Gray, Igor Jozsa and others.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

100-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gabe and Roberta Levy, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does

APPEARANCES -

For Applicant: Lyra J. Altman.

For Opposition: Brian J. Burston and Herbert Loving.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for decision, hearing closed.

154-03-BZ

not comply with the zoning requirements for floor area, open space ratio, balconies, and side and rear yards, is contrary to Z.R. §23-141, §23-461 (a), §23-47 and §23-131.

PREMISES AFFECTED - 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. § 72-21 to permit the proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES - None.

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

143-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Raymond and Vivian Dayan, owners.

SUBJECT - Application May 5, 2003 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and rear yards, is contrary to Z.R. §23-141, §23-461A and §23-47.

PREMISES AFFECTED - 1734 East 24th Street, between Quentin Road and Avenue "R", 240' south of Quentin Road, Block 6806, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPLICANT - Steven Sinacori for Stadtmauer Bailkin, LLP, for 100-05 92nd Avenue Realty, Corporation, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed change of use of a vacant industrial building, to a multiple dwelling, Use Group 2, located within an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 100-05 92nd Avenue, corner of 102nd Street, Block 9306, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Stadtmauer Bailkin, Steven Sinacori, Howard Zipser, Joan DeCamp, Carl Perrera and Ethan Eldon.

MINUTES

For Opposition: Thomas Denneng.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

176-03-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for 219-44 Jamaica Avenue, 220-02 Jamaica Avenue, LLC, owner; Public Storage, Inc, lessee.

SUBJECT - Application May 22, 2003 - under Z.R. §72-21, to permit within a C1-2 and R3-2 zoning district a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, southern side of Jamaica Avenue between Springfield Boulevard and 222nd Street, Block 10789, Lots 256 and 264, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Richard C. Hellenbrecht and Steven Sinacori.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:35 P.M.