
BULLETIN

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246-03-BZ B.BK. 1371 East 23rd
Street,
east side, between Avenues "N and M", Block 7659, Lot
15, Borough of Brooklyn. Applic. #301556126. Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R2 zoning district, which does not
comply with the zoning requirements for floor area, open
space, rear and side yards, is contrary to Z.R. §23-141,
§23-461 and §23-47.

COMMUNITY BOARD #14BK

247-03-A B.Q. 18 Gotham Walk,
west side, 226.99' south of Oceanside Avenue, Block
16350, Lot 400, Borough of Queens. Alt.1 #401684879.
Proposed alteration and enlargement of an existing single
family residence, not fronting on a legally mapped street, is
a contrary to Section 36, Article 3 of the General City Law.

248-03-BZ B.M. 1915 Third Avenue,
southeast corner of East 106th Street, Block 1655, Lot 45,
Borough of Manhattan. Alt.1 #103485630. Proposed
operation of a physical culture establishment, in an existing
two story commercial building, with mezzanine and cellar,
that is located in C1-5(R7-2) zoning district.

COMMUNITY BOARD #11M

249-03-BZ B.BK. 265 Bedford Avenue,
southeast corner of North First Street, Block 2381, Lot 1,
Borough of Brooklyn. Applic.#301551354. Proposed four
story building, with penthouse and cellar, to contain nine
residential units on the second, third and fourth floors, and
one commercial unit on the ground floor, on a site that is
located in C8-2 zoning district, which does not permit
residential use, is contrary to §32-10.

COMMUNITY BOARD #1BK

250-03-BZ B.BK. 1861 East 21st Street,
between Quentin Road and Avenue "R", Block 6804, Lot
66, Borough of Brooklyn. Alt.1 #301533044. Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R3-2 zoning district, which does not
comply with the zoning requirements for floor area, open
space, lot coverage, rear and side yards, is contrary to
Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #15BK

251-03-BZ B.Q. 217-25 106th Avenue,
corner of 217th Street, Block 11104, Lot 268, Borough of
Queens. Applic. #401603121. Proposed construction of
a semi-detached two-story, two family dwelling, Use Group
2, having on-site accessory parking, on a lot having that
has a non-complying rear yard, is contrary to Z.R. §23-47.

COMMUNITY BOARD #13Q

252-03-BZ B.Q. 217-31 106th Avenue,
corner of 217th Street, Block 11104, Lot 270, Borough of
Queens. Applic. #401609158. Proposed construction of
a semi-detached two-story, two family dwelling, Use Group
2, having on-site accessory parking, on a lot having that
has a non-complying rear yard, is contrary to Z.R. §23-47.

COMMUNITY BOARD #13Q

253-03-BZ B.Q. 163-15 Northern Boulevard,
bounded by 164th Street and Station Road, Block 5338,
Lot 1, Borough of Queens. Applic. #401690728.
Proposed reduction in the number of required parking
spaces, for an as of right, two story and basement building,
to be used as five retail stores, located in a C2-2/R4
zoning district, is contrary to Z.R. §36-21.

COMMUNITY BOARD #7Q

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

SEPTEMBER 16, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 16, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

779-57-BZ

APPLICANT - Eric Palatnik, P.C., for Tira Holding Corporation, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 11, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 137-21 Jamaica Avenue, northeast corner of Jamaica Avenue and Van Wyck Expressway, Block 9618, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

297-72-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for J.B. Campus Realty, Ltd., owner.

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

PREMISES AFFECTED - 630-646 East Fordham Road, southwest corner of Belmont and East Fordham Road, Block 3078, Lot 48, Borough of The Bronx.

COMMUNITY BOARD #6BX

546-82-BZ

APPLICANT - Pasquale Carpentiere, for Pasquale Carpentiere, owner; Ganesh Budhu, lessee.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 14, 2003.

PREMISES AFFECTED - 148-15 89th Avenue, west side 110' east of 148th Street, Block 9693, Lot 60, Jamaica, Borough of Queens.

COMMUNITY BOARD #12Q

226-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; John Sullivan, lessee.

1059-84-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for BMS Realty Co., owner, Bally Fitness Corp., lessee.

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

PREMISES AFFECTED - 943/61 Kings Highway aka 2032 Coney Island Avenue, northwest corner of intersection Kings Highway & Coney Island Avenue, Block 6666, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEALS CALENDAR

215-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Leo & Barbara MacCourtney, lessees.

SUBJECT - Application June 24, 2003 - 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.

PREMISES AFFECTED - 11 Kildare Walk, east side, 154.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

216-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Brendan & Joann Dolan, lessees.

SUBJECT - Application June 24, 2003 - 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.

PREMISES AFFECTED - 73 Reid Avenue, east side, 287.35' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

225-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Msgr. Ronald A. Newland, lessee.

SUBJECT - Application July 1, 2003 - 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.

PREMISES AFFECTED - 21 Park End Terrace, north side of Rockaway Point Boulevard, 94.61' west of Bayside Drive, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

SUBJECT - Application July 1, 2003 - 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

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contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 30 Reid Avenue, south side, 264.91' west of Marshall Avenue, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

227-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Lisa & Thomas Good, lessee.

SUBJECT - Application July 1, 2003 - 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.
PREMISES AFFECTED - 5 Bath Walk, west side, 56.00' north of Proposed 12th Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

228-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; William F. & Kerry A. Dolan, lessee.

SUBJECT - Application July 1, 2003 - 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.
PREMISES AFFECTED - 32 Gotham Walk, west side, 62.26' north of Stehn Promenade, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

233-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Patti & Ken Damstron, lessees.

SUBJECT - Application July 7, 2003 - 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.
PREMISES AFFECTED - 25 Gotham Walk, east side, 102.01' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

SEPTEMBER 16, 2003, 1:30 P.M.

APPLICANT - The Law Office of Fredrick A. Becker, for 974 Madison Avenue Company, LP, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit the proposed physical establishment, located on the second floor of a five story commercial building, in a C5-1 (MP) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 980 Madison Avenue, west side, between East 76th and East 77th Streets, Block 1391, Lot 14, Borough of Manhattan.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 16, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

131-02-BZ & 132-03-A

APPLICANT - The Agusta Group, for Dr. S.K. Bhat & Dr. Unnila Bhat, owner.

SUBJECT - Application April 18, 2003 - under Z.R. §72-11, 72-21 & 73-125 to permit the proposed conversion of the first floor and cellar of an existing one family dwelling, to medical offices, and also to add a two-story enlargement, to create space necessary for larger examination rooms, creates non-compliance with respect to side yard, floor area ratio, front yard, floor area and cellar space, which is contrary to §24-35, §24-34, §22-14 and §24-161; and proposed conversion of the first floor and cellar of an existing one family dwelling, of frame construction Class IIC, to medical offices (occupancy group E), is not permitted inside the Fire District as per Table 4-1, Section 27-302 of the NYC Building Code.

PREMISES AFFECTED - 80-03 192nd Street, southeast corner of Union Turnpike, Block 7269, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit

the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, is contrary to Z.R. §23-45.
PREMISES AFFECTED - 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

206-03-BZ

COMMUNITY BOARD #14M

Pasquale Pacifico, Executive Director

CALENDAR

**REGULAR MEETING
TUESDAY MORNING, AUGUST 5, 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 28, 2003, were approved as printed in the Bulletin of June 6, 2003, Volume 88, No. 22-23.

SPECIAL ORDER CALENDAR

361-49-BZ

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.

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COMMUNITY BOARD #5Q

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 Miele and Commissioner Caliendo.....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 April 18, 2002; and

WHEREAS, the applicant has also requested an amendment to the resolution to permit a change in the existing signage from 48 square feet of illuminated signage and 18 square feet of non-illuminated signage for a total of 66 square feet of signage to 81.2 square feet of illuminated signage and 37.8 square feet of non-illuminated signage for a total of 119 square feet of signage; and

WHEREAS, a public hearing was held on this application on July 15, 2003, after due notice by publication in The City Record, and laid over to August 5, 2003 for decision; and

WHEREAS, on April 26, 1949 the Board granted an application to permit in a residence and business use district, the erection and maintenance of a gasoline service station, auto laundry, lubritorium, motor vehicle repair shop, storage and sale of auto accessories, parking for more than five vehicles awaiting service, and an entrance more than the permitted distance from an intersection for a term of ten years; and

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 April 26, 1949 as amended through May 27, 2000, so that as amended this portion of the resolution shall read:

“to permit a change in the existing signage from

558-51-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.

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

48 square feet of illuminated signage and 18 square feet of non-illuminated signage for a total of 66 square feet of signage to 81.2 square feet of illuminated signage and 37.8 square feet of non-illuminated signage for a total of 119 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 May 27, 2003”- (5) sheets; and on further condition;

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

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

THAT the above conditions 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 Applications # 401480170, 401480358, 401467729, 401467747, 401480189, 401467738, 401480161)

Adopted by the Board of Standards and Appeals, August 5, 2003.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....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 13, 2000; and

WHEREAS, the applicant has also requested an amendment to the resolution for a change in signage from a total of 108 square feet of illuminated signage to 50 square feet of illuminate signage and 6.25 square feet of non-

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illuminated signage for a total of 56.25 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, and then to August 5, 2003 for decision; and

WHEREAS, Community Board #3 has recommended approval of this application; and

WHEREAS, on August 9, 1951 the Board granted an application to permit the erection and maintenance of a gasoline service station, auto washing, lubritorium, sale of auto accessories, motor vehicle repairs and offices, parking for more than five vehicles awaiting service, and an entrance more than the permitted distance from an intersection for a term of fifteen years; and

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 September 14, 1999, so that as amended this portion of the resolution shall read:

“to permit a change in signage from a total of 108 square feet of illuminated signage to 66.25 square feet of illuminated 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 2, 2003”- (5) sheets; and on further condition;

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

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

THAT the above conditions 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;

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 October 24, 2002; and

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in *The City Record*, and laid over to August 5, 2003 for decision; and

WHEREAS, on October 24, 1961, the Board granted an application to permit in a residential district, the use of an existing accessory multiple dwelling garage for transient parking; and

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 October 24, 2002, so that as amended this portion of the resolution shall read:

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 Applications # 401510842, 401510851, 401407429, 401510860, 401407517, and 401407508)

Adopted by the Board of Standards and Appeals, August 5, 2003.

812-61-BZ

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

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

PREMISES AFFECTED - 74-82 Park Avenue, East 39th Street, Block 868, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

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 -

“to permit the extension of the term of the variance for an additional ten (10) years from October 24, 2002 to expire on October 24, 2012, *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 22, 2003”- (2) sheets; and on further condition;

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

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

THAT the above conditions and all conditions from 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;

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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 #100493814)

Adopted by the Board of Standards and Appeals, August 5, 2003.

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

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Edward Lauria.

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

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, a public hearing was held on this application on July 15, 2003, after due notice by publication in *The City Record*, and then to August 5, 2003 for (DOB Application # 500508970)

Adopted by the Board of Standards and Appeals, August 5, 2003.

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.

COMMUNITY BOARD #2B

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Application re-opened and time extended to obtain a new certificate of occupancy.

decision; and

WHEREAS, the applicant has requested an amendment to the variance for a minor modifications to the interior design of an existing one-story and cellar building which contains medical offices on the first floor and accessory storage in the cellar; and

WHEREAS, on July 20, 1971, the Board granted a special permit under Z.R. §§73-11(g) and 73-125 to permit the enlargement of an existing medical office building in an R2 district, contrary to Z.R. §22-14.

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 minor modifications to the interior design of an existing one-story and cellar building which contains medical offices on the first floor and accessory storage in the cellar;” *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 4, 2003”- (1) sheet, “July 18, 2003”- (2) sheets and “August 5, 2003”- (1) sheet; and on further condition;

THAT there shall be no habitable space or occupancy 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 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.”

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and amendment to the resolution to allow for an extension of time to obtain a new certificate of occupancy which expired on April 30, 2003; and

WHEREAS, a public hearing was held on this application on July 15, 2003, after due notice by publication in *The City Record*, and laid over to August 5, 2003 for decision; and

WHEREAS, on November 4, 1992, the Board granted application to reestablish an expired variance, previously granted under BSA Calendar No. 112-39-BZ, to permit in a C2-4 zoning district a motor vehicle repair shop.

MINUTES

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 November 4, 1992 as amended through October 30, 2001, so that as amended this portion of the resolution shall read:

“to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within eighteen (18) months from

the date of this amended resolution, *on condition* THAT the premises shall be maintained free of debris and graffiti;

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

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

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

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

Adopted by the Board of Standards and Appeals, August 5, 2003.

578-71-BZ

APPLICANT - Walter T. Gorman, P.E., for The Richard W. Schenkel Trust and Schenkel Investments, L.P., owner; One Hess Plaza, lessee.

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

PREMISES AFFECTED - 833/47 4th Avenue, southeast corner of 30th Street, Block 673, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

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

263-98-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Joseph Elegudin, owner.

SUBJECT - Application June 3, 2003 - reopening for an extension of time to complete construction which expired July 24, 2003.

PREMISES AFFECTED - 118 Oxford Street, Oxford Street, 115' south of Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 September 9,

APPEARANCES -

For Applicant: John Ronan and H.A. Lautenbacher.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10:00 A.M., for continued hearing.

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis, owner.

SUBJECT - Application May 30, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

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

830-86-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for A & J Properties, LLC, owner; Jack LaLanne Fitness Centers, Inc., lessee.

SUBJECT - Application June 20, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1720/28 Sheepshead Bay Road, 123.21' south of intersection of Vorhies Avenue, Block 8770, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Barbara Hair.

THE VOTE TO CLOSE HEARING -

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

.....0

2003, at 10 A.M., for decision, hearing closed.

79-03-A

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Naftali Zvi Dembitzer and Stacy Harvey.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and

MINUTES

Commissioner Caliendo, Commissioner Miele.....4

Negative:.....0

WHEREAS, this is an appeal of the Borough Commissioner's decision dated February 7, 2003, declining revocation of Certificate of Occupancy Number 300518296; and

WHEREAS, the Board notes that on June 4, 2002, New York Supreme Court Kings County, determined that in the case Dembitzer v. Chera, et al., Index No. 18947/1999, Justice Hutcherson, stayed the court action and ordered the plaintiff to exhaust available administrative remedies directing the appellant to seek Board review of the Department of Buildings determinations; and

WHEREAS, consequently, this appeal challenges the Department of Buildings determination refusing revocation of Certificate of Occupancy Number 300518296; and

WHEREAS, the record indicates that Application Number 300518296 was originally issued for an altered building, but that the Certificate of Occupancy, issued on or about February 16, 1999 was issued for a "New" building with two stories and a cellar; and

WHEREAS, the appellant is the owner and occupant of 3155 Bedford Avenue, which is adjacent to the subject premises; and

WHEREAS, the appellant represents that the illegal construction has existed since 1996; and

WHEREAS, the record indicates that neither the job application folder, nor the microfiche files are available for inspection; and

WHEREAS, in response to the Board's request, the Department of Buildings submitted two microfilmed surveys of the premises dated June 6, 1998 and February 6, 1999; and

WHEREAS, the June 6, 1998 survey entitled "Line Survey" does not show the entire premises, it does depict

WHEREAS, the Department of Buildings argues that Certificate of Occupancy Number 300518296 should not be revoked because the premises would revert to the condition permitted under the 1924 Certificate of Occupancy creating similar enforcement problems; and

WHEREAS, however, the issue before the Board, is whether Certificate of Occupancy Number 300518296 was erroneously issued; and

WHEREAS, DOB Application Number 300518296 was originally issued for an altered building, but the Certificate of Occupancy, issued on or about February 16, 1999 was issued for a "New" building, which the Board finds violates numerous yard sections of the Zoning Resolution; and

WHEREAS, therefore, the Board finds that the appellant has submitted adequate evidence to warrant granting this appeal.

Resolved, that the Borough Commissioner's decision dated February 7, 2003, declining revocation of Certificate of Occupancy Number 300518296 is reversed and Certificate of Occupancy Number 300518296 is revoked.

Adopted by the Board of Standards and Appeals, August 5, 2003.

the south side of the premises and describes it as a "Two-story brick & stucco" building, "brick deck," and "Concrete block garage (stucco) and also describes a "1 story stucco" at the eastern, or rear portion of the premises; and

WHEREAS, the February 6, 1999 survey entitled "Final Survey," describes the premises as containing an "open porch," a "Two-story brick & stucco" building, "brick deck," and "Concrete block garage" (stucco) and shows a common driveway to the garage; and

WHEREAS, the Department of Buildings notes that it is common for applications for Certificates of Occupancy to contain two surveys depicting the premises before and after the application work is completed; and

WHEREAS, the Board agrees with the Department of Buildings contention that the existence of two surveys showing different conditions at the premises does not support a claim that the subject Certificate of Occupancy was improperly issued; and

WHEREAS, however, the record suggests, that in the instant case, there are procedural and substantive irregularities that would render Certificate of Occupancy Number 300518296 invalid; and

WHEREAS, therefore, a site and neighborhood examination was made by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the Board notes that the subject dwelling is located in an R2 zoning district, which is characterized by low density detached developments; and

WHEREAS, the Board agrees with the appellants representation that the subject dwelling violates the floor area and open space ratios permitted under Zoning Resolution Section 23-141, as well as the side, front and rear yard requirements; and

153-03-A

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

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

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

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis R. Angelino and Stacy Harvey.

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

MINUTES

THE RESOLUTION -

WHEREAS, this appeal seeks an interpretation of ZR §23-145, regarding lot coverage regulations, as they apply to the subject premises; and

WHEREAS, the final determination of the Borough Commissioner, dated May 9, 2003 states that the

“Proposed combined lot coverage does not comply with ZR §23-145 (max. lot coverage). Max lot coverage permitted under R8A is 70%. Under this application the proposed lot coverage is 73.3%.”; and

WHEREAS, a public hearing was held on this application on June 24, 2003, and laid over to August 5, 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, the subject premises are located in a C6-2A (R8A equivalent) zoning district within the Tribeca Mixed Use Special Purpose District Area A-1, and in the Tribeca West Historic District; and

WHEREAS, this application pertains to two interior lots, 116 Hudson Street which is currently improved with a pre-1961, six-story mixed-use building, and 114 Hudson Street which is currently vacant; and

WHEREAS, the applicant seeks to merge the two Converted buildings or buildings designed for non-residential use and erected prior to December 15, 1961 proposed to be converted to loft dwellings and joint living/work quarters for artists in areas A1 through A4 may be enlarged to their maximum permitted floor area, provided the new enlarged portion complies with the applicable commercial district regulations for a residential building without regard to the existing building’s non-compliance in lot coverage, open space, yards, courts or legal windows.”; and

WHEREAS, the applicant argues that the building located at 116 Hudson Street complies with the zoning resolution and the provisions of the Tribeca Mixed Use district, since the Department of Buildings approved the residential conversion in 1997; and

WHEREAS, the applicant asserts that even if the existing building at 116 Hudson Street was not in compliance with lot coverage requirements, TPPN #1/97 provides for the review the proposed enlargement’s compliance with district regulations to take place irrespective of the existing buildings non-compliance; and

WHEREAS, the applicant argues that the Department of Building’s interpretation is not consistent with the intent of the Tribeca Mixed Use District, which is to permit loft dwellings with fewer yards and legal windows to exist and to allow the buildings that contain them to be enlarged; and

WHEREAS, the respondent argues that TPPN #1/97 must be read as an amendment to a Department of Buildings Memorandum dated October 30, 1981 and in

zoning lots and enlarge the existing building at 116 Hudson Street with a seven-story extension; and

WHEREAS, the appellant contends that the lot coverage regulations C6-2A (R8A equivalent) should only apply to the enlargement on 114 Hudson Street irrespective of the existent building 116 Hudson Street’s compliance or non-compliance; and

WHEREAS, ZR §23-145 outlines the maximum lot coverage for buildings, such as the subject building, developed or enlarged pursuant to the Quality Housing Program, and sets the maximum lot coverage for an interior lot located within an R8A district at 70%; and

WHEREAS, the existing building at 116 Hudson Street has a legally non-complying lot coverage of 88.3% and the proposed enlargement at 114 Hudson Street has a lot coverage of 60%; and

WHEREAS, the post-merger building would have a total lot coverage of 73%; and

WHEREAS, the crux of this appeal is based upon whether the 70% maximum lot coverage should be applied to the entire post-merger building, or just the enlargement at 114 Hudson Street; and

WHEREAS, the applicant has provided the Board with a copy of DOB Technical Policy and Procedure Notice #1/97 (TPPN #1/97), dated April 28, 1997, which pertains to “Enlargements of Converted Buildings” and states:

“ENLARGEMENT PURSUANT TO §111-02 AND §111-104 Z.R.

conjunction with the ZR, therefore, enlargements on a merged zoning lot and a lot coverage analysis on a pre-merger lot are not permitted; and

WHEREAS, the respondent contends that lot coverage analysis must be performed with reference to the newly merged zoning lot and not the original two separate zoning lots, because under the ZR definition of “building”, a building cannot cross two lot lines, therefore the lot coverage provisions must apply to the entire development and not just the proposed enlargement; and

WHEREAS, the applicant also notes that it would be possible to construct a building with 70% lot coverage, the same as the proposed enlargement, at 114 Hudson Street and connect it to the existing building at 116 Hudson Street to obtain the applicant’s proposed building configuration; and

WHEREAS, the respondent also contends that although the applicant would have the ability to construct a new building on 114 Hudson Street with 70% lot coverage and to connect that building to the building located at 116 Hudson Street sometime in the future, the proposed construction does not provide for a fire wall and a means of egress and access for the new building; and

WHEREAS, based upon its review of the record and its reading of the Zoning Resolution and the TPPN #1/97, the Board finds that the lot coverage provisions of Section 23-145 of the zoning resolution are applicable to the proposed enlargement and not the entire development; and

WHEREAS, the Board notes that the Landmarks Preservation Committee has approved the proposed development; and

WHEREAS, therefore, the Board finds that the

MINUTES

appellant has submitted adequate evidence to warrant granting this appeal.

Resolved, the Borough Commissioner's determination dated, May 9, 2003, rejecting the proposed enlargement as contrary to the lot coverage provisions of Z.R. §23-145, is reversed and this appeal is granted.

Adopted by the Board of Standards and Appeals, August 5, 2003.

101-03-A

APPLICANT - BTU Design Corporation.

OWNER OF RECORD: Trump World Tower Condominium, owner.

SUBJECT - Application April 1, 2003 - An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises. PREMISES AFFECTED - 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Bruce Fat.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO REOPEN HEARING -

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

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

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

212-03-A & 213-03-A

APPLICANT - Tai Lawal Calibre Building Services, Inc., for Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED -

129-32 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 2, Borough of Queens.

129-36 Hook Creek Boulevard, east side, between 129th Road and 130th Avenue, Block 12891, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michael Kaye, Imel L. Stephen.

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

117-03-A

APPLICANT - Molly Abady (Luca Sartini, Toni Vastinar.

OWNER OF PREMISES: Memorial Hospital.

SUBJECT - Application April 11, 2003 - An appeal challenging the Department of Buildings determination, dated March 24, 2003, in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility". As a "related facility", (Sloan Kettering) the use is allowed as of right in a residential district.

PREMISES AFFECTED - 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan.

APPEARANCES -

For Applicant: Robert Gottlieb.

For Opposition: Shelly Friedman, Edward Mahoney, John F. Settel, Dr. Joy Zagoren and Marcia Lowe.

For Administration: Stacy Harvey, Department of Building.

THE VOTE TO CLOSE HEARING -

REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 5, 2003
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo and Commissioner Miele.

ZONING CALENDAR

73-02-BZ

CEQR #02-BSA-147K

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

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit in an M1-1 zoning district, the conversion of the fourth floor of an existing four-story building to residential use which is contrary to Z.R. Section 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.

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

WHEREAS, the subject building is located on the northeasterly corner of Stanwix Street and Jefferson Street, extending 104 feet along the easterly side of Stanwix Street and 99 feet along the northerly side of Jefferson Street; and

WHEREAS, the first through third floors of the subject building currently and will continue to contain conforming uses; and

WHEREAS, the record indicates that the applicant documented good-faith yet unsuccessful attempts to obtain a conforming tenant for the fourth floor; and

WHEREAS, the applicant represents that the subject building is the only multistory building in the immediate M1-1 area that does not contain residential use; and

WHEREAS, the applicant asserts that the subject building has only one elevator, and that it is less desirable for a business tenant to locate in the upper stories of a building where issues may arise in sharing elevators and loading docks; and

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

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the subject site is located directly across the street from a large R6 district; and

WHEREAS, the applicant has voluntarily provided 5 off-street parking spaces while only 4 were requested by the Board; and

WHEREAS, therefore, the Board finds that the

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2001, and updated January 8, 2002 and February 11, 2002 acting on Application No. 301173030 reads:

“PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF ZONING RESOLUTION”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record*, and laid over to January 28, 2003, March 25, 2003, May 20, 2003, and July 15, 2003 and then to August 5, 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 M1-1 zoning district, the conversion of the fourth floor of an existing four-story building to residential use which is contrary to Z.R. Section 42-00; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the conversion of the fourth floor of an existing four-story building to residential use which is contrary to Z.R. Section 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 May 22, 2003”- (8) sheets and “Received July 22, 2003”- (2) sheets and *on further condition*;

MINUTES

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

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

THAT 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; 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, August 5, 2003.

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 16, 2003 acting on ALT.1 Application No. 301318991 reads:

“Proposed extension of term variance under Cal. No. 606-85 BZ, which expired on July 1, 1991, permitting sale of new and used cars and parking for more than five (5) motor vehicles (Use Group 16), now in an R5 District is contrary to Section 22-00 of the Zoning Resolution and is referred back to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on May 20, 2003 after due notice by publication in the City Record, and laid over to June 24, 2003 and then to July 22, 2003 for decision reopened; laid over to continued hearing on August 5, 2003, and closed and granted on August 5, 2003; and

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

WHEREAS, this is an application under Z.R. §11-411, on a site previously before the Board, to re-establish a variance previously granted under Calendar Number 606-85-BZ, in a C2-3 within an R5 zoning district, permitting the maintenance of a new and used car sales lot with an accessory office and parking contrary to Z.R. § 22-00; and

WHEREAS, Brooklyn Community Board #10 recommends unanimous conditional approval of this

156-02-BZ

CEQR #02-BSA-201K

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

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the re-establish a variance previously granted under Calendar Number 606-85-BZ, in a C2-3 within an R5 zoning district, permitting the maintenance of a new and used car sales lot with an accessory office and parking contrary to Z.R. §22-00.

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

COMMUNITY BOARD #10K

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

application; and

WHEREAS, the subject parcel is irregular measuring 80' by 100' currently occupied by a used car lot with an accessory office, operated by an automobile dealership; and

WHEREAS, the automobile dealership also occupies the adjacent building at the corner of Fort Hamilton Parkway and 65th Street; and

WHEREAS, on May 26, 1959, under Calendar Number 696-58-BZ, the Board legalized, for a term of five (5) years, the maintenance of a new and used cars sales lot, with accessory office and parking; and

WHEREAS, the term of the original variance received extensions until it expired on January 2, 1980 and a new application was filed under Calendar Number 606-85-BZ; and

WHEREAS, on July 1, 1986, the Board granted a new variance which expired on July 1, 1991; and

WHEREAS, the record indicates that the site has housed a new and used car sales lot with an accessory office and parking continuously at since May 26, 1959; 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 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 Type II Determination under 6 NYCRR Part 617

MINUTES

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 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to re-establish a variance previously granted under Calendar Number 606-85-BZ, in a C2-3 within an R5 zoning district, permitting the maintenance of a new and used car sales lot with an accessory office and parking contrary to Z.R. §22-00 on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 15, 2002"- (2) sheets and "Received July 22, 2003"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring on August 5, 2013;

THAT signage shall be provided in accordance with BSA-approved plans;

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

THAT the number for open storage and parking of motor vehicle shall be limited to (32) as indicated on BSA

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, August 5, 2003.

234-02-BZ

CEQR #03-BSA-026Q

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

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed construction of a three-story, four-family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements and is contrary to §23-141 floor area ratio, §23-45 front yard, §23-141 and §23-12 open space, §23-631 height and or setback.

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

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

approved plans;

THAT there shall be no commercial flags and banners on the site at any time;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

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

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

THAT a new Certificate of Occupancy Shall be obtained within two (2) years of the date of this resolution;

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

THAT a Department of Consumer Affairs license be obtained within one year after issuance of a new 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;

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 decisions of the Borough Commissioner, dated, March 31, 2003 and July 31, 2002 acting on NB Application Nos. 401123663 and 401265938, read:

- "1. FLOOR AREA RATIO (FAR) EXCEEDS THAT PERMITTED BY SECTION 23-141(c)
2. PROPOSED FRONT YARD IS CONTRARY TO SECTION 23-45 ZR
3. PROPOSED PROJECT DOES NOT MEET THE PERIMETER WALL AND SETBACK REQUIREMENTS AS PER SECTION 23-631(d).
4. PROPOSED PROJECT DOES NOT COMPLY WITH OPEN SPACE RATIO AS PER SECTION 23-141(c).
5. PROPOSED PROJECT DOES NOT COMPLY WITH LOT COVERAGE RATIO AS PER SECTION 23-141(c)."

"1. PROPOSED NEW ONE STORY DETACHED TWO CAR GARAGE WITH 9'-0" CURB CUT, FILED IN CONJUNCTION WITH N.B. #401123663 WHICH REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS, SHOULD ALSO BE

MINUTES

REFERRED TO B.S.A. PROPOSED GARAGE IS CONTRARY TO §23-45 Z.R.

2. PROPOSED PERMITTED OBSTRUCTION IN OPEN SPACE IS CONTRARY TO §23-12 Z.R. REFER TO B.S.A.”; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in *The City Record*, laid over to August 5, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a three-story, four-family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements and is contrary to §23-141 floor area ratio, §23-45 front yard, §23-141 and §23-12 open space,

WHEREAS, the applicant represents that the subject site is located within a predominantly built up area, which the proposed building will keep in character with, while a complying building would not; and

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

WHEREAS, the Board finds that 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 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 II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a three-story, four-family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements and is contrary to §23-141 floor area ratio, §23-45 front yard, §23-141 and §23-12 open space, §23-631 height and or setback, 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 30, 2003”-(5) sheets; and on further

§23-631 height and or setback; and

WHEREAS, the record indicates that the subject property is located on the corner of Hoyt Avenue North and 27th Street and on a lot of 25 feet by 100 feet in area; and

WHEREAS, the site is a corner lot which requires two front yards of 10 feet and 18 feet; and

WHEREAS, the applicant represents that the yard requirements for this lot would result in a complying building of 15 feet by 67 feet which would be too narrow and have an impractical layout; and

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

WHEREAS, the evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area is predominantly residential; and

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 be completed and a Certificate of Occupancy be obtained in accordance with §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;

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, August 5, 2003.

93-03-BZ

CEQR #03-BSA-153Q

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

SUBJECT - Application March 25, 2003 - under Z.R. §72-21 to permit the proposed addition to an existing one-family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and front yard, which is contrary to Z.R. §§23-141 and 54-313.

PREMISES AFFECTED - 217-20 39th Avenue, northeast corner of 218th Street, Block 6255, Lots 18, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

MINUTES

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, February 26, 2003 acting on A2 Application No. 401469077, reads:

“OBJECTION #1 PROPOSED ADDITION EXCEEDS ALLOWABLE FAR AND OSR AS PER Z.R. §23-141.

OBJECTION #2 PROPOSED VERTICAL EXTENSION AT NON-COMPLYING FRONT YARD NOT PERMITTED AS PER Z.R. §54-313.”;

and

WHEREAS, tax lot 18 is an irregular through lot with a total area of 2,782 sq. ft., tax lot 19 is an irregularly sized lot with a total area of 5,705.6 sq. ft.; and

WHEREAS, the record indicates that both tax lots are improved with a single family dwelling, the proposed second floor addition will be constructed on the one and two-story frame dwelling located in tax lot 18; and

WHEREAS, the proposed addition will exceed the total permitted floor area, will not comply with the open space requirements, and will increase the degree of non-compliance with respect to the front yard requirements, but complies in all other respects with the applicable zoning requirements; and

WHEREAS, the applicant represents that compliance with the required front yard regulations would demand a 15 foot front yard on 39th Avenue and a 15 foot front yard on 218 Street, a total of 30 feet, which exceeds the width of the site and would therefore prohibit construction on the subject site; and

WHEREAS, the Board finds that strict compliance with the provisions of the Zoning Resolution would be impractical; and

WHEREAS, the aforementioned unique physical condition, namely the narrowness of the subject through lot, located in the bed of a mapped street, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a variance for a two-family house and the Board has determined that no showing of financial hardship is required; and

WHEREAS, the record indicates that the use and bulk of the subject proposal are consistent with the surrounding residential uses; and

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

WHEREAS, the Board finds that the hardship herein

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in *The City Record*, laid over to August 5, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed addition to an existing one-family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and front yard, which is contrary to Z.R. §§23-141 and 54-313; and

WHEREAS, the record indicates that the subject premises consist of a single zoning lot, comprised of two tax lots, 18 and 19; and

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 has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed addition to an existing one-family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, and front yard, which is contrary to Z.R. §§ 23-141 and 54-313, 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 25, 2003”-(5) sheets; and on further condition;

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

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

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §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

MINUTES

granted;

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

Adopted by the Board of Standards and Appeals, August 5, 2002.

143-03-BZ

CEQR #03-BSA-181K

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 enlargement of an existing one-family residence, Use Group 1, located in an R3-2 zoning district which does not comply with the zoning requirements for floor area, lot coverage, side yards, and rear yards and is contrary to Z.R.

THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
2. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
3. PROPOSED SIDE YARD IS CONTRARY TO ZR 23-461A. 13' TOTAL, 5' MIN.
4. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED"; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in the City Record and then laid over to August 5, 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 an existing one-family residence, Use Group 1, located in an R3-2 zoning district which does not comply with the zoning requirements for floor area, lot coverage, side yards, and rear yards and is contrary to Z.R. §§23-141, 23-461, and 23-47; 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 perimeter wall height will comply with

§§23-141, 23-461, 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

APPEARANCES -

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 28, 2003, acting on Application No. ALT 301526604 reads:

all applicable zoning regulations; 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.

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 Review and makes the required findings under Z.R. §73-622 to permit the enlargement of an existing one-family residence, Use Group 1, located in an R3-2 zoning district which does not comply with the zoning requirements for floor area, lot coverage, side yards, and rear yards and is contrary to Z.R. §§23-141, 23-461, 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 May 5, 2003"- (9) sheets and "Received May 9, 2003"- (2) 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

MINUTES

of this grant.

Adopted by the Board of Standards and Appeals,
August 5, 2003.

185-02-BZ

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

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

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

COMMUNITY BOARD #1BK

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

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

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

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

210-02-BZ thru 213-02-BZ

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

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

PREMISES AFFECTED -

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

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

78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

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

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Richard Lobel.

THE VOTE TO REOPEN HEARING -

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

Negative:0

APPEARANCES -

For Applicant: Jordan Most.

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

202-02-BZ

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

254-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Bajta Brightsill.

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

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.

MINUTES

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg, Michael Pellegrino and Christine Pellegrino.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

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, APPEARANCES -

For Applicant: Janice Cahalane.

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

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Dennis Deliahece.

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 September 16, 2003, at 1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Laid over to September 30,

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

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

281-02-BZ

APPLICANT - Harold Weinberg, P.E., for Jacob Farhi, owner.

SUBJECT - Application October 18, 2002- under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, and is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 18 Exeter Street, east side, 126'-4½" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for postponed hearing.

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Opposition: Carmen Yulfo, Leah Archibald and Steven Howard.

ACTION OF THE BOARD - Laid over to September 9,

MINUTES

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

80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district,

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.

SUBJECT - Application March 12, 2003 - under Z.R. §72-21 to permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Sol Korman.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker and Eugene Chen.

For Opposition: Martin Gringer, Leah Archibald, Jean Begot, Steven Howard, Alvin Gibbons, Jenifer Roth, John A. Mastandrea, Dr. Adel Eskander, Carls Cruz and Josh Derrelh.

97-03-BZ-98-03-BZ

APPLICANT - Agusta & Ross, for Coconut International Realty Corp./Blue Sky, Inc., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn.

463 Flushing Avenue, northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

111-03-BZ thru 115-03-BZ

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

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit the proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

PREMISES AFFECTED -

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

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

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

MINUTES

For Applicant: Peter Geis

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

181-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Abraham Gutwein and Shirley Gutwein, owners.

SUBJECT - Application May 28, 2003 - under Z.R. §73-6223 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, which is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2615 Avenue "N", north side, 40' west of East 27th Street, Block 7662, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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 September 30, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.