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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 88, No. 7

February 13, 2003

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### DIRECTORY

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**Vacant** - *Counsel*

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Tuesday, February 4, 2003**

Morning Calendar .....108

**Affecting Calendar Numbers:**

789-45-BZ	56-02 to 56-20 Broadway, Manhattan
494-55-BZ	67-69 Avenue U, Brooklyn
32-92-BZ	72-06 Parson Boulevard, a/k/a 157-10 72 <sup>nd</sup> Avenue, Queens
551-37-BZ	233-02 Northern Boulevard, Queens
292-55-BZ	239-15 Jamaica Avenue, Queens
352-64-BZ	408-424 East 51 <sup>st</sup> Street, Manhattan
357-86-BZ	76-03 Roosevelt Avenue, Queens
152-95-BZ	32-55 31 <sup>st</sup> Street, Queens
165-98-BZ	3701 Mermaid Avenue, Brooklyn
253-02-A	8 Marion Walk, Queens
272-02-A	9 Suffolk Walk, Queens
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122-99-A	91-70 Metropolitan Avenue, Queens
260-02-A	129-02 Liberty Avenue, Queens
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320-02-A	232 Roxbury Avenue, Queens
331-02-A	29 Fulton Walk, Queens

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**Affecting Calendar Numbers:**

324-01-BZ	1077 Bay Street, Staten Island
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28-02-BZ	80 Madison Avenue, Manhattan
29-02-BZ	271-17 76 <sup>th</sup> Avenue, Queens
85-02-BZ	850 East 181 <sup>st</sup> Street, a/k/a 2120 Crontona Parkway, Bronx
264-02-BZ	150/54 West 17 <sup>th</sup> Street, Manhattan
266-02-BZ	181 Jaffray Street, Brooklyn
273-02-BZ	615 Hampton Avenue, Brooklyn
280-02-BZ	458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Brooklyn
91-02-BZ	3032/42 West 22 <sup>nd</sup> Street, Brooklyn
149-02-BZ & 150-02-BZ	1821/1837 Richmond Avenue, Staten Island
165-02-BZ thru 176-02-A	147/151/153/155/157/159 Classon Avenue, Brooklyn
186-02- thru 191-02-A	143/145/149 Classon Avenue, Brooklyn
178-02-BZ	57 Eagle Street, a/k/a 233 Franklin Street, Brooklyn
185-02-BZ	93/101 North Ninth Street, Brooklyn
274-02-BZ	2350 Jerome Avenue, Bronx
278-02-BZ	4056 Bedford Avenue, Brooklyn
286-02-BZ	1111 East 26 <sup>th</sup> Street, Brooklyn
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317-02-A	175 Buffalo Street, Staten Island
339-02-BZ	147-65/76 Springfield, Queens
344-02-BZ	3501 Fort Hamilton Parkway, Brooklyn

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# DOCKET

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New Case Filed Up to February 4, 2003

**33-03-A** B.Q. 160 Ocean Avenue, west side, 73' from Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Applic. #401446440. Proposed one story enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

**34-03-BZ** B.Q. 89-57 207<sup>th</sup> Street, a/k/a 207-01 90<sup>th</sup> Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens. N.B. #401571571. Proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, is contrary to Z.R. §23-45, §23-32 and §23-461.

**COMMUNITY BOARD #13Q**

**35-03-BZ** B.Q. 12-18 154<sup>th</sup> Street, a/k/a 152-61 12<sup>th</sup> Road, northwest corner, Block 4537, Lot 90, Borough of Queens. Applic. #401516436. Proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, requires a special permit from the Board as per Z.R. §73-125.

**COMMUNITY BOARD #7Q**

**36-03-BZ** B.Q. 271-17 76<sup>th</sup> Avenue, located on a block bounded by 76<sup>th</sup> Avenue, 74<sup>th</sup> Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens. Alt. #401379156. 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, requires a special permit from the Board as per Z.R. §73-481.

**COMMUNITY BOARD #13Q**

**37-03-BZ** B.Q. 65-78 Terrace Court, near the juncture of Admiral Avenue and 65<sup>th</sup> Lane, Block 3605, Lot 38, Borough of Queens. Applic. #401598605. Proposed three-story, three-family dwelling, Use Group 2, located in an M1-1/M1-2 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #5M**

**38-03-BZ** B.Q. 65-80 Terrace Court,

near the juncture of Admiral Avenue and 65<sup>th</sup> Lane, Block 3605, Lot 37, Borough of Queens. Applic. #401598614. Proposed three-story, three-family dwelling, Use Group 2, located in an M1-1/M1-2 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #5M**

**39-03-BZ** B.Q. 65-82 Terrace Court, near the juncture of Admiral Avenue and 65<sup>th</sup> Lane, Block 3605, Lot 36, Borough of Queens. Applic. #401598623. Proposed three-story, three-family dwelling, Use Group 2, located in an M1-1/M1-2 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #5M**

**40-03-BZ** B.Q. 124-20 Jamaica Avenue, corner of 125<sup>th</sup> Street, Block 9333, Lot 7, Borough of Queens. Applic. #401565356. 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.

**COMMUNITY BOARD #9Q**

**41-03-A** D.Bldgs. 342 Madison Avenue, a/k/a 16 East 44<sup>th</sup> Street, Block 1278, Lot 14, Borough of Manhattan. Applic. #100823450. An application for the Modification of Certificate of Occupancy Number 116571, to reflect only lot 14, and to eliminate reference to, and metes and bounds of lots 15 and 17 in Block 1278.

**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.**

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# CALENDAR

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**MARCH 4, 2003, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, March 4, 2003, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **492-91-BZ**

APPLICANT - Sheldon Lobel, P.C., for Michelle Frank, owner.  
SUBJECT - Application January 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 214-32 Hillside Avenue, southeast corner of Vanderveer Street and Hillside Avenue, Block 10673, Lot 3, Borough of Queens.

**COMMUNITY BOARD #13Q**

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### **36-94-BZ**

APPLICANT - Robert L. Henry, for Cleveland Vaughan, owner.  
SUBJECT - Application December 27, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 103/105 Putnam Avenue, property is on the northside of Putnam Avenue, B/W Classon Avenue and Franklin Avenue, Block 1989, Lots 61 and 62, Borough of Brooklyn.

**COMMUNITY BOARD #3BK**

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### **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 11<sup>th</sup> and Brighton 12<sup>th</sup> Street, Block B-8709, L-60, Borough of Brooklyn.

**COMMUNITY BOARD #13BK**

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### **217-97-BZ**

APPLICANT - Lance I. Michaels, for EZRA Academy, owner.

23-29/29A Steinway Street, east side, 75.78' north of 23<sup>rd</sup> Road, Block 793, Lot 63, Borough of Queens.

23-31/31A Steinway Street, east side, 75.78' north of 23<sup>rd</sup> Road, Block 793, Lot 62, Borough of Queens.

SUBJECT - Application December 13, 2002 - reopening for an extension of time to complete construction which expired November 16, 2002.

PREMISES AFFECTED - 119-45 Union Turnpike, northside of Union Turnpike between Queens Boulevard and Kew Forest Lane, Block 3357, Lot 1003, Borough of Queens.

**COMMUNITY BOARD #6Q**

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## **APPEALS CALENDAR**

### **4-03-A**

APPLICANT - Legend Architecture, for Breezy Point Cooperative, owner; Joseph W. Stevens, lessee.

SUBJECT - Application January 13, 2002 - Proposed reconstruction and enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 502 Browns Boulevard, near Hillside Avenue, Block 16350, Lot 400, Borough of Queens.

**COMMUNITY BOARD #14Q**

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**MARCH 4, 2003, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, March 4, 2003, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **96-02-BZ thru 102-02-BZ**

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Domenick Pinto, owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21 to permit the proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, which is contrary to Z.R. §§22-10 and 22-32.

PREMISES AFFECTED -

23-27/27A Steinway Street, east side, 75.78' north of 23<sup>rd</sup> Road, Block 793, Lot 64, Borough of Queens.

23-33/33A Steinway Street, east side, 75.78' north of 23<sup>rd</sup> Road, Block 793, Lot 60, Borough of Queens.

23-35/35A Steinway Street, east side, 75.78' north of 23<sup>rd</sup> Road, Block 793, Lot 52, Borough of Queens.

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# CALENDAR

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40-11 23<sup>rd</sup> Road, northeast side, 70.40' northeast of 41<sup>st</sup> Street, Block 793, Lot 53, Borough of Queens.  
40-15 23<sup>rd</sup> Road, northeast side, 70.40' northeast of 41<sup>st</sup> Street, Block 793, Lot 56, Borough of Queens.

## COMMUNITY BOARD #1Q

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### 328-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Three Park Avenue Building Co., LP, owner; TSI Murray Hill Inc., lessee.  
SUBJECT - Application November 7, 2002 - under Z.R. §73-36 to permit the legalization of the enlargement of a grandfathered physical culture establishment, located in portions of the first floor and first floor mezzanine of a forty-two story, school and commercial building, which requires a special permit.  
PREMISES AFFECTED - Three Park Avenue, southeast corner of East 34<sup>th</sup> Street, Block 889, Lot 9001, Borough of Manhattan.  
**COMMUNITY BOARD #5BK**

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### 338-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Collpoint Enterprises, Inc., owner; Walgreen's lessee.  
SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, and is contrary to Z.R. §§33-291 and 36-21.  
PREMISES AFFECTED - 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens.  
**COMMUNITY BOARD #7Q**

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### 353-02-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.  
SUBJECT - Application December 6, 2002 - under Z.R. §73-52 to permit the proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the  
**MARCH 5, 2003, 1:30 P.M.**

## SPECIAL HEARING

**NOTICE IS HEREBY GIVEN** of a public hearing, *Wednesday morning*, March 5, 2003, at 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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zoning lot, requires a special permit.  
PREMISES AFFECTED - 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn.  
**COMMUNITY BOARD #1BK**

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### 354-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Arie & Bracha Nusbaum, owner.  
SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, open space, and side yards, and is contrary to Z.R. §23-141, §23-47 and §23-461.  
PREMISES AFFECTED - 1810 East 22<sup>nd</sup> Street, between Avenue "R" and Quentin Road, Block 6804, Lot 34, Borough of Brooklyn.  
**COMMUNITY BOARD #15BK**

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### 355-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob and Audrey Barasch, owner.  
SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, open space, and side yard, is contrary to Z.R. §23-141, §23-47 and §23-461.  
PREMISES AFFECTED - 1436 East 24<sup>th</sup> Street, between Avenue "N" and Olean Street, Block 7677, Lot 28, Borough of Brooklyn.  
**COMMUNITY BOARD #14BK**

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*Pasquale Pacifico, Executive Director*

## ZONING CALENDAR

### 256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160 Imlay Street Real Estate LLC, owner.  
SUBJECT - Application September 18, 2002 - under Z.R. §72-01 to permit the proposed development of a vacant six story manufacturing building, and the addition of three floors, for residential use, Use Group 2, located in an M2-1 zoning district, which is contrary to Z.R. §42-00 and §43-00.  
PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay,

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# CALENDAR

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Verona and Commerce Streets, and Atlantic Basin, Block 515,  
Lot 75, Borough of Brooklyn.  
**COMMUNITY BOARD #6BK**

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING  
TUESDAY MORNING, FEBRUARY 4, 2003  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 17, 2002, were approved as printed in the Bulletin of December 26, 2002, Volume 87, No. 51-52.

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**SPECIAL ORDER CALENDAR**

**789-45-BZ**

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

**COMMUNITY BOARD #2Q**

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# MINUTES

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## APPEARANCES -

For Applicant: Arthur Sullivan.

**ACTION OF THE BOARD** - Application reopened, and time to complete construction and obtain Certificate of Occupancy extended.

## THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

## THE RESOLUTION-

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

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, on July 16, 1946, the Board granted an application permitting the erection and maintenance of a gasoline service station, lubricatorium and auto laundry.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; 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

*Resolved*, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the time to complete construction and obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; 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.”

Adopted by the Board of Standards and Appeals, February 4, 2003.

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## 494-55-BZ

APPLICANT - Edward Lauria, P.E., for Joseph Ciervo, owner.  
SUBJECT - Application November 6, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy which expired May 29, 2001.

PREMISES AFFECTED - 67-69 Avenue U, north side 40' East of West 11th Street, Block 7095, Lot 47, Borough of Brooklyn.

## COMMUNITY BOARD #11BK

APPEARANCES - None.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened, and time to obtain Certificate of Occupancy extended.

## THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

## THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on May 29, 2001; and

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, on May 15, 1956, the Board granted an application permitting the construction of a 5 car garage and automobile repair shop.

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, February 4, 2003.

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## 32-92-BZ

APPLICANT - John Xikis, for John Xikis, owner.

SUBJECT - Application November 20, 2002 - reopening for an extension of time to complete construction which expired December 19, 2002.

PREMISES AFFECTED - 72-06 Parsons Boulevard, a/k/a 157-10 72nd Avenue, southwest corner of the intersection of Parsons Boulevard and 72nd Avenue, Block 6821, Lot 29, Borough of Queens.

## COMMUNITY BOARD #8Q

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# MINUTES

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## APPEARANCES -

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application reopened, and time to complete construction and obtain Certificate of Occupancy extended.

## THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

## THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and obtain a Certificate of Occupancy which expired on December 19, 2002; and

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 2003 for decision; and

WHEREAS, on April 27, 1993, the Board granted an application permitting the erection of a two (2) family dwelling.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to complete construction and obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT substantial construction shall be completed and a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; 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

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

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

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## 352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

## COMMUNITY BOARD #6M

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, February 4, 2003.

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## 551-37-BZ

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red’s Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

## COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John A. Yacovone, Fire Department.

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

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## 292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240<sup>th</sup> Street, Block 8001, Lot 1, Borough of Queens.

## COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

APPEARANCES -

For Applicant: Jacqueline Cigliano.

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

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## 357-86-BZ

APPLICANT - Samuel H. Valencia, for Angelo Mordina, owner; Samuel H. Valencia - Claro de Luna, II, lessee.

SUBJECT - Application July 10, 2002 - reopening for an extension of term of the special permit which expired June 10, 2002.

PREMISES AFFECTED - 76-03 Roosevelt Avenue, north side 25' east of 76th Street, Block 1287, Lot 43, Borough of Queens.

## COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Samuel H. Valencia.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner

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# MINUTES

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Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

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## 152-95-BZ

APPLICANT - Gerald J. Caliendo, R.A., for McDonald's Corporation, owner; Krim Kris, Inc., lessee.

SUBJECT - Application July 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2001.

PREMISES AFFECTED - 32-55 31st Street, east side of 31st Street 256.97' north of 34th Avenue and 31st Street, Block 611, Lot 11, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

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

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## 165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east  
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401463475, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The site and building does not have an official mapped street at the rear of the property, therefore, the property can not

corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

### COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: A. Kamersky.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

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## 253-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Leonard & Justin Sica, lessees.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, with a private disposal system in the bed of a private service road, is contrary to Sections 36, Article 3 of the General City Law and the Department of Buildings policy, also the interpretation of Z.R. §23-47 and it relates to rear yard requirement. PREMISES AFFECTED - 8 Marion Walk, west side, 302.52' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department and Lisa Orrantia, Department of Buildings.

**ACTION OF THE BOARD** - Appeal granted on condition. THE VOTE TO GRANT -

be considered a thru lot by zoning definitions and therefore a 30'0" rear yard is required per zoning requirements.

A3- The private disposal system is in the bed of a private service road which is contrary to Department of Buildings policy."; and

WHEREAS, by letter dated November 4, 2002, the Department of Buildings upon reconsideration has withdrawn Objection # A-2 requiring a 30'0" rear yard; and

WHEREAS, by the letter dated, October 8, 2002 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 31, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated, November 20, 2002, the Department of Transportation has reviewed the above project and has no objections;

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401463475, is modified under the power

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# MINUTES

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vested in the Board by §36 & §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, September 17, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, February 4, 2003.

## 272-02-A

APPLICANT - Patrick O'Brien, for Breezy Point Co-op, Inc., owner; William Hickey, lessee.

SUBJECT - Application October 29, 2002 - Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 9 Suffolk Walk, east side, 148' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.  
**THE VOTE TO GRANT** -

WHEREAS, by the letter dated, November 21, 2002, the Department of Transportation has reviewed the above project and has no objections; and

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated October 7, 2002 acting on ALT 1. Application No. 401472740, is modified under the power vested in the Board by §35 and §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, October 9, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, February 4, 2003.

## 318-02-A

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0  
**THE RESOLUTION-**

WHEREAS, the decision of the Queens Borough Commissioner, dated October 7, 2002 acting on ALT 1. Application No. 401472740, reads in pertinent part:

"A1- The proposed enlargement is on a site where the building and lot are located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 set. 35 of the General City Law .

A2- The street giving access to the existing building to be altered is not duly placed on the map of the City of New York.

a) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

b) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.";

WHEREAS, by the letter dated, October 24, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated, November 21, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Mary Malone, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 481 Seabreeze Walk, east side, 94.54' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.  
**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0  
**THE RESOLUTION -**

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401496252, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued

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# MINUTES

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as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated, November 27, 2002 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 October 23, 2002 acting on ALT 1. Application No. 401496252, 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, October 29, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401486058, reads in pertinent part:

“A1- The site and building is not fronting or backing upon directly upon an official mapped street therefore, no permit or Certificate of Occupancy can be issued as per Art. 3 Section 36 of the General City Law ; also no permit can be issued since the proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York, therefore a 30’0” rear yard is required.

A2- The upgraded private disposal system is partially in the bed of a private service road which serves as a street which is contrary to Department of Buildings policy.”; and

WHEREAS, by the letter dated, November 27, 2002 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated, January 30, 2003, the Department of Transportation has reviewed the above project and has no objections;

laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, February 4, 2003.

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## 321-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Patricia Burns, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and also has a private disposal system located partially in the bed of a mapped street, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 31 Roosevelt Walk, corner of West End Avenue, Block 16350, Lot 400, Borough of Queens.

## COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401486058, is modified under the power vested in the Board by §36 and §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, October 29, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, February 4, 2003.

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## 337-02-A

APPLICANT - Thomas Avitabile, Architect, for Robert Schwimmer, owner.

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# MINUTES

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SUBJECT - Application November 15, 2002 - Proposed community facility, located on a portion of a lot which is fully within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 1390 Richmond Terrace, southwest corner of Elm Street. Block 158, Lot 6, Borough of Staten Island.

**COMMUNITY BOARD #14Q**

APPEARANCES -

For Applicant: Thomas Avitabile

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.

**THE VOTE TO GRANT -**

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

**THE RESOLUTION-**

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 28, 2002 acting on ALT 1. Application No. 500580427, reads:

“The Proposed Application To Change Existing Use an Old Code Business Building in C2-2 District Into A Community Facility NON Profit Institution with Sleeping Accommodations Use Group 3, Occupancy Group J1, Located on a

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, February 4, 2003.

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**122-99-A**

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69<sup>th</sup> Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to May 6, 2003, at 10 A.M., for defer decision.

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**260-02-A**

APPLICANT - Sharif S. Mohammad/Almadina Eng., for Peoples Foreign Exchange, owner.

SUBJECT - Application September 25, 2002 - Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 129-02 Liberty Avenue, southeast

portion of a lot which is fully within the Bed of a mapped street is contrary to Section 35 of the General City Law and therefore shall be referred to the Board of Standards and Appeals.”; and

WHEREAS, by the letter dated, December 26, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated, January 16, 2003 the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated, January 17, 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 Staten Island Borough Commissioner, dated October 28, 2002 acting on ALT 1. Application No. 500580427, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, November 15, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

corner of 129th Street, Block 9583, Lot 1, Borough of Queens.

APPEARANCES -

For Applicant: Sharif S. Mohammad and Almadini Binani.

For Opposition: John Yacovone, Fire Department.

**THE VOTE TO CLOSE HEARING -**

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

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**319-02-A**

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Bruce Robertson, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, also has a private disposal system in the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 38 Graham Place, Block 16350, Lot 400, Borough of Queens.

**COMMUNITY BOARD #14Q**

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 10 A.M., for continued hearing.

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# MINUTES

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## 320-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; John 7 Laura Heesemann, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement and alteration of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 232 Roxbury Avenue, corner of Roxbury Boulevard, Block 16340, Lot 50, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 10 A.M., for continued hearing.

Inc., owner; Robert Riordan, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and the Department of Buildings Policy. PREMISES AFFECTED - 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 10 A.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

## 331-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative

### REGULAR MEETING

**TUESDAY AFTERNOON, FEBRUARY 4, 2003**

**2:00 P.M.**

**Present:** Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

Adjourned: 10:35 A.M.

New York City Zoning Resolution"; and

WHEREAS, a public hearing was held on this application on June 11, 2002 after due notice by publication in The City Record and laid over to August 6, 2002, September 24, 2002, October 22, 2002, November 26, 2002, December 17, 2002, January 14, 2003 and then to February 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M2-1 zoning district, the construction of a mixed-use development contrary to Zoning Resolution §42-00; and

WHEREAS, the premises is located on a large zoning lot containing 63,460 square feet of lot area which the applicant represents is mostly vacant and unimproved land; and

WHEREAS, the applicant proposes to erect two mixed-use buildings, linked together by a three-story parking structure containing 163 parking spaces; and

WHEREAS, the building on the east side of the lot will be a new five-story and cellar structure containing commercial uses in the cellar and 40 residential units housed on the first through fifth floors ; and

WHEREAS, the building on the west side of the lot will be an alteration to the existing shell and will contain five-stories, with each story housing 6 offices uses; and

WHEREAS, the record indicates that the subject zoning lot is burdened by an irregular shape, a history of development with an existing obsolete structure on the western portion of the lot and is surrounded by incompatible adjacent uses; and

WHEREAS, the aforementioned burdens pose a suspect capability for use of the entire site as a viable, modern manufacturing or warehouse facility; and

## ZONING CALENDAR

### 324-01-BZ

#### CEQR #02-BSA-063R

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit in an M2-1 zoning district, the construction of a mixed-use development contrary to Zoning Resolution §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

### COMMUNITY BOARD #1S.I.

APPEARANCES -

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 22, 2001 acting on Application No. 500457882 reads:

"1.) Proposed residential use in Manufacturing District M[2-1] is contrary to Section 42-00

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# MINUTES

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WHEREAS, the aforementioned unique physical condition of the building on the site makes development of the parcel as a conforming M2-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the property is located in an M2-1 manufacturing zone; and

WHEREAS, the Board notes that the instant proposal creates a mixture of residential retail and office uses; and

WHEREAS, the record indicates that the proposed parking structure will lessen any adverse congestion generated by the introduction of the subject uses; and

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has

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 M2-1 zoning district, the construction of a mixed-use development contrary to Zoning Resolution §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 7, 2003"- (17) sheets; and on further condition;

THAT residential uses shall be limited to the spaces denoted in the aforementioned BSA-approved plans; and

THAT in accordance with Fire Department recommendations the applicant shall provide and maintain automatic wet sprinklers and hard wired smoke detectors installed and tied into a Fire Department approved central office connection;

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.

significantly reduced the size and scope of the project; and

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

## **28-02-BZ**

### **CEQR #02-BSA-116M**

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in the cellar and portion of the first floor level, in an existing mixed use structure.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

### **COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition.

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

**THE RESOLUTION** -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 28, 2001 acting on Application

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# MINUTES

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No. 102896494 reads:

“Proposed physical cultural establishment in the subject building located in C5-2 zoning district requires a special permit from the Board of Standards and Appeals as per section 32-31 of Z.R.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record* and laid over to December 10, 2002, January 14, 2003 and then to February 4, 2003 for decision; and

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

WHEREAS, the applicant represents that the subject physical culture establishment complies with the accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours of operation to: Monday thru Saturday 10:00 A.M. to 9:00 P.M., and Sunday 11:00 A.M. to 8:00 P.M.; and

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

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

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

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

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

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in the cellar and portion of the first floor level, in an existing mixed use structure, *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 27, 2003.”

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a C5-2 zoning district, the legalization of an existing physical culture establishment located in the cellar of a ten story mixed-use building; and

WHEREAS, by letter dated May 10, 2002, Community Board #5 recommends approval of this application; and

WHEREAS, the subject site is located on the westerly side of Madison Avenue between 28<sup>th</sup> and 29<sup>th</sup> Street in Manhattan; and

WHEREAS, the applicant represents that the PCE would occupy 4,500 square feet of area within the cellar, with an entrance on the ground floor and would provide massage services; and

(4) sheets; and on further condition;

THAT the term of this special permit shall be limited two (2) years;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT all massages will all be performed by New York State licensed massage therapists;

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

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

THAT the hours of operation shall be limited to Monday thru Saturday 10:00 A.M. to 9:00 P.M., and Sunday 11:00 A.M. to 8:00 P.M.;

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2003.

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## 29-02-BZ

### CEQR #02-BSA-117Q

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R.

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# MINUTES

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§24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.  
PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County 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.

For Administration: John A. Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application withdrawn.

### THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar,  
**85-02-BZ**

## CEQR #02-BSA-158X

APPLICANT - Mothiur Rahman, for Alan G. Markopoulos, owner; Giovanni Hincapie, lessee.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit to permit in an R7-1 zoning district, the legalization of an existing public parking lot, Use Group 8, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 850 East 181 street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of The Bronx.

## COMMUNITY BOARD #6BX

### APPEARANCES -

For Applicant: Mothiur Rahman.

**THE ACTION OF BOARD** - Application granted on condition.

### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

### THE RESOLUTION-

WHEREAS, the decisions of the Borough Commissioner, dated August 10, 2001 and updated October 5, 2001 acting on Application No. 200646577 reads:

- “1. In an R7-1 Zoning District, proposed creation of an open public parking lot (Off-Site) for Non-Residential uses is contrary to Section 22-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in *The City Record* and laid over to January 14, 2003 and then to February 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in an R7-1 zoning district, the legalization of an existing public parking lot, Use Group 8, which is contrary to Z.R. §22-00; and

WHEREAS, the subject site lies within an R7-1 zoning district, located at the corner formed by the easterly side of Crotona Parkway and the southern of East 181<sup>st</sup> Street, between Crotona Parkway and Mohegan Avenue; and

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

Adopted by the Board of Standards and Appeals, February 4, 2003.

WHEREAS, the applicant represents that as the result of a Department of Buildings Determination, that the then existing building was structurally unsafe, a demolition was conducted in 1977 resulting in a sub-grade masonry foundation with a basement filled with debris; and

WHEREAS, the applicant has demonstrated that any rebuilding would require site preparation by removing the former foundation, excavating substantial rocks creating a hardship for future development; and

WHEREAS, the record indicates that the site remained vacant for more than 25 years, and the applicant represents that it was extremely difficult to maintain the subject lot secure, free of debris or from becoming a meeting place for illegal activity; and

WHEREAS, the applicant has secured the property by providing fencing, installing lighting, and providing 24-hour security; and

WHEREAS, the record indicates that most of the surrounding multiple dwellings pre-date the 1961 Zoning Resolution and were built without required parking; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming R7-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the property is surrounded by multiple dwellings, retail uses, religious institutions, and commercial uses; and

WHEREAS, the Board notes that the instant proposal is adjacent to a commercial district; and

WHEREAS, the record indicates that the proposed parking structure will lessen any adverse congestion generated by approval of the instant application; and

WHEREAS, out of concern that in the future a residential development might be viable, the Board will limit the term of the variance to five years; and

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

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

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

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

WHEREAS, the Board has conducted an *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, to permit in an R7-1 zoning district, the legalization of an existing public parking lot, Use Group 8, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 26, 2002, 2002"-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to five (5) years from the date of this grant, expiring February 4, 2008; and

THAT a new Certificate of Occupancy shall be obtained within two (2) years of this grant;

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, February 4, 2003.

## 264-02-BZ

### CEQR #03-BSA-045M

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for The Rubin Cultural Trust, owner.

SUBJECT - Application September 30, 2002 - under Z.R. §72-21 to permit in a C6-2A zoning district, the proposed addition at the second floor rear yard portion of an existing community facility contrary to Z.R. §33-23.

PREMISES AFFECTED - 150/54 West 17th Street, south side, between Sixth and Seventh Avenues, 100' east of Seventh Avenue, Block 792, Lots 64 through 66, Borough of Manhattan.

### COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Lori Cuisinier.

**ACTION OF THE BOARD** - Application granted on condition.

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Vice-Chair Babbar,

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.

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 14, 2002 acting on Alt. Application No. 102555762 reads:

"1. PROPOSED ENLARGEMENT IN REAR YARD WHICH IS MORE THAN 23'-0" ABOVE CURB IS CONTRARY TO 33-23 AND 33-26 ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in *The City Record* and laid over to February 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in a C6-2A zoning district, the proposed addition at the second floor rear yard portion of an existing community facility contrary to Z.R. §33-23; and

WHEREAS, the applicant seeks relief from Z.R. §33-23 which allows community facilities in commercial districts to build into the rear yard (as a permitted obstruction) provided that the height of such building does "not exceed one story, excluding basement, nor in any event 23 feet above curb level"; and

WHEREAS, the site presently includes an existing 23' high, one-story greenhouse which extends into the rear yard, and the proposed 11' height increase above this extension will create a rear yard non-compliance; and

WHEREAS, the subject museum covers a total of nine lots presently housing 48,365 square feet of commercial floor area and 27,550 square feet of residential floor area; and

WHEREAS, the subject zoning lots are improved with a series of buildings with several height variations and erected at different times; and

WHEREAS, the applicant represents that the requested variance will enable the museum to meet its programmatic requirement of providing a larger scale exhibition room; and

WHEREAS, the applicant represents that the conversion of the existing commercial space to a community facility space will provide 47,020 square feet of floor area for the museum while maintaining the residential floor area at 27,550 square feet; and

WHEREAS, the subject building is scheduled to open in March of 2003 housing a collection of over 1,000 pieces of Tibetan and Himalayan art and the applicant represents

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that the proposed addition will provide space for extensive multi-cultural educational programs and can accommodate an auditorium library, and research room as well as administrative and office space; and

WHEREAS, the record indicates that it is the museum's mandate to become a leading institution in the field of Himalayan paintings but that the subject building

WHEREAS, the circular marble stairway in the building is well suited to serve as the showcase for its collection on the numerous exhibition floors; and

WHEREAS, the applicant represents that the proposed addition will enable the applicant to provide a permanent home for art that it has had to lend to other Museum; and

WHEREAS, the record indicates that the subject building is burdened with ceiling heights on floors 2 through 5 that are 8'5" that the applicant represents typify a residential or office use not a museum use; and

WHEREAS, in addition to suffering from inadequate floor to ceiling heights the floors are burdened by columns that are placed every twelve feet; and

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

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

WHEREAS, the record indicates that the neighborhood surrounding the site is characterized by art galleries, schools and other community facility uses; and

WHEREAS, the museum is surrounded by on its southern lot line by two six-story residential buildings and the record indicates that the existing greenhouse does not provide privacy to the museum's rear yard neighbors; and

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

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would

lack adequate exhibition space with ceiling heights below 10'-6" thereby precluding the public's viewing of a significant portion of the Museum's sacred art collection; and

WHEREAS, the applicant represents that following an examination of its programmatic needs, the museum purchased the subject building in 1998; and 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 a C6-2A zoning district, the proposed addition at the second floor rear yard portion of an existing community facility contrary to Z.R. §33-23, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 30, 2002"-(11) sheets; and *on further condition*;

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

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

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

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

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, February 4, 2003.

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## 266-02-BZ

### CEQR #03-BSA-047K

APPLICANT - Harold Weinberg, P.E., for Edmund Dweck, owner.

SUBJECT - Application October 3, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage and rear yard requirements, and is contrary to Z.R §§23-141, 54-31 and 23-47.

PREMISES AFFECTED - 181 Jaffray Street, east side, 100'-0" north of Oriental Boulevard, Block 8753, Lot 85, Borough of

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Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Harold Weinberg.

**ACTION OF THE BOARD** - Application granted on condition.

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 27, 2002, acting on Application No. 300596399 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT:

1. INCREASES THE DEGREE OF NON-COMPLIANCE OF THE FLOOR AREA RATIO (FAR) AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION;
2. CREATES A NON-COMPLIANCE WITH RESPECT TO THE LOT COVERAGE AND IS CONTRARY TO SECTION 23-141 ZR;
3. CREATES A NON-COMPLIANCE WITH RESPECT TO REAR YARD AND IS CONTRARY TO SECTION 23-47 ZR.”; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in *The City Record*, and laid over to February 4, 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 Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage and rear yard requirements, and is contrary to Z.R §§23-141, 54-31 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; 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.

*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 proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage and rear yard requirements, and is contrary to

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5  
Negative:.....0

Z.R §§23-141, 54-31 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 October 3, 2002”-(11) 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, February 4, 2003.

**273-02-BZ**

**CEQR #03-BSA-053K**

APPLICANT - Harold Weinberg, P.E., for Gregory Dweck, owner.

SUBJECT - Application October 9, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, perimeter wall, setback and sky exposure plane requirements, and is contrary to Z.R. §§23-141, 23-631 and 54-31.

PREMISES AFFECTED - 615 Hampton Avenue, northwest corner of Ocean Avenue, Block 8731, Lot 51, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Harold Weinberg.

**ACTION OF THE BOARD** - Application granted on condition.

THE VOTE TO GRANT -

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

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Commissioner Miele.....5  
Negative:.....0

1. INCREASES THE DEGREE OF NON-COMPLIANCE OF THE FLOOR AREA RATIO (FAR) AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION(ZR);
2. CREATES A NON-COMPLIANCE WITH RESPECT TO THE LOT COVERAGE AND IS CONTRARY TO SECTION 23-141 ZR;
3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO PERIMETER WALL, SETBACK AND SKY EXPOSURE PLANE AND IS CONTRARY TO SECTIONS 23-631 AND 54-31 ZR.”; and

WHEREAS, a public hearing was held on this application on January 14, 2003, after due notice by publication in *The City Record*, and laid over to February 4, 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 Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, perimeter wall, setback and sky exposure plane requirements, and is contrary to Z.R. §§23-141, 23-631 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.

*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 proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, perimeter wall, setback and sky exposure plane requirements, and is contrary to Z.R. §§23-141, 23-631 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 January 7, 2003”-(10) sheets; and *on further condition*;

## THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 7, 2002, acting on Application No. 301415724 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT:

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, February 4, 2003.

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## 280-02-BZ

### CEQR #03-BSA-060K

APPLICANT - Slater & Beckerman, LLP, for Claysson Marks Realty Corp., owner; CNR Health Care Network, Inc., lessee.

SUBJECT - Application October 18, 2002 - under Z.R. §§73-01 & 73-452 to permit in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53.

PREMISES AFFECTED - 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Block 1155, Lots 48, 49 and 50, Borough of Brooklyn.

### COMMUNITY BOARD #8BK

#### APPEARANCES -

For Applicant: Stuart Beckerman.

**ACTION OF THE BOARD** - Application granted on condition.

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

## THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated October 1, 2002 acting on Alteration Application No. 301408117 reads:

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“1. Proposed location of accessory parking for nursing home is contrary to section 25-53 of the Zoning Resolution in that such parking space is located further than the required 200

WHEREAS, Community Board No. 8 in Brooklyn recommends approval of the application; and

WHEREAS, a public hearing was held on this application on December 17, 2002 after due notice by publication in *The City Record*, and laid over to February 4, 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 Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §§73-01 and 73-452, to permit, in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53; and

WHEREAS, the premises is a 250,000 square foot five-story not-for-profit, health care and nursing facility housing 320 occupying the entire the entire block front on the east side of Classon Avenue, between Prospect Place and Park Place; and

WHEREAS, the record indicates that while the applicant owns two other community facilities within two blocks of the Subject Zoning Lot, the staff from neither facility will use the proposed parking lot, and the applicant represents that of the three community facilities the subject nursing home is the largest in size, number of employees and the only facility with 24-hour parking needs; and

WHEREAS, the record indicates that each of the three tax lots comprising the Subject Zoning Lot was developed with a four-story house which were demolished between 1939 and 1987; and

WHEREAS, presently, the subject lot is a vacant corner parcel bordered on two sides by the lot line walls of two four-story residential buildings, located within 250 of the community facility property and since the subject lot is located further than 200 feet from the community facility the accessory parking lot is not permitted as-of-right; and

WHEREAS, the record indicates that approval of the subject application will reflect the recent evolution of the area characterized by health care and education community facility uses; and

WHEREAS, the applicant entered into a 20-year lease with the owner of the subject zoning lot for the purpose of creating an accessory parking lot for the Nursing Home; and

WHEREAS, the Board notes that both the nursing home property and the subject lot are within an R6 district; and

WHEREAS, Z.R. §25-53 states that off-street parking spaces accessory to a community facility may be provided off-site and located at a greater distance from the zoning lot than the maximum distance specified provided that such spaces are not further than 600 feet from the nearest

feet permitted under said section and, as such, must be referred to the Board of Standards and Appeals for approval.”; and

boundary of the zoning lot; and

WHEREAS, the record indicates that all parking spaces will be located within 360 feet of the subject nursing home; and

WHEREAS, Z.R. §73-452(a) is not applicable to the instant application because it governs R1 or R2 districts and the subject application is within an R6 zoning district; and

WHEREAS, Z.R. §73-452(b) requires that there is no way to arrange such spaces on the same zoning lot as the primary use; and

WHEREAS, the Board finds that the applicant has demonstrated that there is no way to arrange the proposed 33 spaces on the subject lot which is improved with a 6-story and cellar 250,000 square foot building containing 12 spaces available for delivery vehicles; and

WHEREAS, Z.R. §73-452(c) requires a finding that the parking spaces are located as to draw a minimum of vehicular traffic to and through streets having primarily residential frontages; and

WHEREAS, the application demonstrates that no new traffic will be generated by the proposed zoning lot because the proposed parking lot will meet a demand that is not being met by off-street parking and vehicles accessing the subject lot will travel eastbound on St. Marks Avenue, passing the non-residential uses which predominate on the north side of the street; and

WHEREAS, Z.R. §73-452(d) requires that the proposed spaces are located on an adjoining zoning lot or a zoning lot directly across the street or if such spaces are not so located, that there is substantial difficulty in obtaining a site of sufficient size to accommodate the required accessory off-street parking spaces on an adjoining zoning lot directly across the street from such use or in a location where such off site spaces would be permitted as-of-right, because such sites are occupied by substantial improvements; and

WHEREAS, applicant notes that the subject lot located on Classon Avenue is across the nursing home property, that while the street address for the nursing home is on Prospect Place, its primary street entrance is on Classon Avenue, that if the subject lot were located 50 feet closer to the nursing home, there would be no need for the instant special permit application; and

WHEREAS, therefore, Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-01 and 73-452; 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.

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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. §§73-01 and 73-452, and grants a special permit under Z.R. §§73-01 and 73-452, to permit, in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53 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 30, 2003"- (1) sheet and "October 18, 2002"- (1) sheet and on further condition;

THAT the fence along the street perimeter will be erected with an 8'0" high chain link fence with vinyl slats (100% opaque);

THAT a street tree shall be provided and maintained on Classon Avenue;

THAT landscaping will be provided and maintained in the area between the front door of the Joint Approach Building and the edge of the parking lot;

THAT the applicant shall install 4'0" high steel pipe bollards spaced approximately 7'-0" on center and set 8" clear from the side wall of the existing adjacent building located at 694 Classon Avenue;

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including all fire safety and egress requirements, 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, February 4, 2003.

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## 325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.  
SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-  
**149-02-BZ & 150-02-BZ**

APPLICANT - Land Planning & Engineering Consultants, P.C., by

0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 1:30 P.M., for deferred decision.

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## 82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.  
SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

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

## COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

**ACTION OF THE BOARD** - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

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## 91-02-BZ

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

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

## COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Sheldon Lobel and David Winiarski.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

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Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

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# MINUTES

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SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a one story eating and drinking establishment, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

**COMMUNITY BOARD #2S.I.**

APPEARANCES -

For Applicant: Victor Han.

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

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

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**165-02-BZ thru 176-02-A**

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

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

PREMISES AFFECTED -

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

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

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

**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.

Brooklyn.

**COMMUNITY BOARD #2BK**

APPEARANCES -

For Applicant: Alison Kaminsky.

**ACTION OF THE BOARD** - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

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**186-02-BZ thru 191-02-A**

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

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

PREMISES AFFECTED -

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

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

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

**COMMUNITY BOARD #2BK**

APPEARANCES -

For Applicant: Alison Kaminsky.

**ACTION OF THE BOARD** - Laid over to March 18, 2003, at 1:30 P.M., for continued hearing.

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**178-02-BZ**

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit the legalization of two contiguous building on one zoning lot, from a laundry facility to residential use, Use Group 2. Located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Peter Hirshman.

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

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

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Jordan Most.

**ACTION OF THE BOARD** - Laid over to March 18, 2003,

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# MINUTES

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

**274-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for BP Products NA. (owner lot 18), owner; Gasatria Oil Corporation, lessee.

SUBJECT - Application October 9, 2002 - under Z.R. §73-50 to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C8-3 zoning district, situated within the required 30' rear yard setback along district boundary, which requires a special permit.

PREMISES AFFECTED - 2350 Jerome Avenue, between 184th Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx.

**COMMUNITY BOARD #5BX**

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

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

**278-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Steven Mishan, owner.

SUBJECT - Application October 16, 2002 - 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, also side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 4056 Bedford Avenue, between Avenues "S" and "T", Block 7303, Lot 31, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Anna Miliker and Dan Miliker.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

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

**317-02-A**

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - Proposed erection of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

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

**286-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Moshe & Sima Mehlman, Contract Vendee.

SUBJECT - Application October 25, 2002 - under Z.R. §73-622 to permit the proposed enlargement to 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 ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1111 East 26th Street, between Avenues "K and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Jordon Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

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

**316-02-BZ**

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed erection of a one family dwelling, Use Group 1, located in an R3-1 zoning district, which is deficient in the required lot area and does not have the required front yards, is contrary to Z.R. §§23-32, 23-45 and 107-461.

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

**COMMUNITY BOARD #3S.I.**

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: John Lafemina.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: John Lafemina.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

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# MINUTES

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Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

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## **339-02-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield LLC, owner.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed reestablishment of an expired variance previously granted under Cal. No. 219-71-BZ Vol. II, which permitted a warehouse with offices in an R3-2 zoning district, also the addition of Lot No. 4 to the premises, for use as the entrance ramp, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard, northeast corner of 147th Avenue, Block 13363, Lots 4 and 6, Borough of Queens.

### **COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

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

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## **344-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corp., owner.

SUBJECT - Application November 18, 2002 - under Z.R. §73-50 to permit the proposed redevelopment of an existing automotive service station at said premises, with an accessory convenience store, located within the required 30' rear yard setback along the district boundary, which requires a special permit.

PREMISES AFFECTED - 3501 Fort Hamilton Parkway, between 36th Street and Chester Avenue, Block 5302, Lot 21, Borough of Brooklyn.

### **COMMUNITY BOARD #12BK**

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 3:10 P.M.