
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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March 6, 2003

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DOCKET

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68-03-BZ B.BK. 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn. N.B. #301031194. Proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, is contrary to Z.R. §42-00 and §44-21.

COMMUNITY BOARD #7BK

69-03-BZ B.M. 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan. N.B. #103340396. Proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

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70-03-BZ B.BK. 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn. Alt.1 #301476114. The reestablishment of an expired variance, previously granted by the Board under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, is contrary to Z.R. §22-00.

COMMUNITY BOARD #18BK

71-03-BZ B.M. 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Lots 1, 28, 29, 30, 105, 1001-1210 and 1300-1301. Applic. #103304657. Proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

COMMUNITY BOARD #8M

72-03-A B.M. 53/55 Beach Street,

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73-03-BZ B.M. 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan. N.B. #103272076. Proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

COMMUNITY BOARD #10BK

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

CALENDAR

MARCH 25, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 25, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

319-53-BZ

APPLICANT - Kenneth H. Koons, for Stanley & Roland Weisserberger, owners.

SUBJECT - Application December 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 1135 East 222nd Street, aka 3651 Eastchester Road, northwest corner of Eastchester Road, Block 4900, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

717-60-BZ

APPLICANT - Walter T. Gorman, P.E., for Sun Co., Inc, owner; Roy's II Auto Center Inc., lessee.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a new certificate of occupancy which expired April 13, 2000.

PREMISES AFFECTED - 2052 Victory Boulevard, southeast corner of Bradley Avenue aka 7 Bradley Avenue, Block 724, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

617-80-BZ

APPLICANT - Eric Palatnik, P.C., for J.S. Simcha, Inc, owner.

SUBJECT - Application January 14, 2003 - reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 770/780 McDonald Avenue, McDonald Avenue and Ditmas Avenue, Block 5394, Lots 11 & 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

406-82-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Adolph Clausi & Theodore Thomas, owner; Hendel Products/McDonalds, lessee.

SUBJECT - Application January 24, 2003 - reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 2411 86th Street, northeast corner of 24th Avenue and 86th Street, Block 6859, Lots 1, 69 & 71, Borough of Brooklyn.

COMMUNITY BOARD #11BK

8-87-BZ

APPLICANT - Walter T. Gorman, P.E., for Andre & Jose Vasquez, owner; DBA Broadway Hand Carwash, lessee.

SUBJECT - Application January 3, 2003 - reopening for an extension of time to obtain a new certificate of occupancy which expired December 8, 2002.

PREMISES AFFECTED - 4778/82 Broadway, east side Broadway, 225' north of Dyckman Street, Block 2233, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #12M

261-90-BZ

APPLICANT - Elliott M. Glass, Architect, for Tiebout Associates, Inc., owner.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 22, 2001.

PREMISES AFFECTED - 2468-2478 Tiebout Avenue, 83.27" north of East 188th Street, 223.62" south of Fordham Road, Block 3023, Lot 4, Borough of The Bronx.

COMMUNITY BOARD #5BX

MARCH 25 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 25, 2003, at 1:30 P.M., at 40 Rector

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

CALENDAR

ZONING CALENDAR

238-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Peter Krashes, owner.
SUBJECT - Application August 25, 2003 - under Z.R. §72-21 to permit the legalization of two residential units, in a building that is located within an M1-1 area zoned for manufacturing use, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

282-02-BZ

APPLICANT - Harold Weinberg, P.E., for Roger Chehova, owner.

SUBJECT - Application October 18, 2002 - under Z.R. § 73-622 to permit the legalization of a one story enlargement at the rear of an existing one 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 and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 1465 East 24th Street, east side, 360'-0" south of Avenue "M", north of Avenue "N", Block 7657, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #14BK

284-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, for New York City Department of Citywide Administrative Services, owner; Two Trees Management Company, contract vendee.

5-03-BZ

APPLICANT - Harold Weinberg, P.E., for Emanuel Alaimo, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §72-21 to permit the legalization of a one story enlargement at the rear of the first floor of an existing two story mixed use building, and the erection of a small enlargement by the notch, which increases the degree of non-compliance with respect to floor area ratio, and is contrary to Z.R. §§35-30 and 54-31.

SUBJECT - Application October 24, 2002 - under Z.R. §72-21 to permit the proposed development of an eleven story mixed-use building, located in a C6-2A(DB) Special Downtown Brooklyn District, which does not comply with the zoning requirements, for base height, height, setback, rear yard, rear yard setback, retail continuity and lot coverage, is contrary to Z.R. §23-145, §23-663(b), §33-26, §35-24 and §101-10.

PREMISES AFFECTED - 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, property fronts on Court Street, and is bounded by Atlantic Avenue and State Street, Block 277, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

357-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for JAF of Bayside, LLC, owner; Bayside Dialysis Center, Inc., lessee.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit the proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, and is contrary to Z.R. §33-28 and §33-23.

PREMISES AFFECTED - 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

368-02-BZ

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

SUBJECT - Application December 24, 2002 - under Z.R. §73-52 to permit the proposed development of a 22 story and cellar mixed use building, on a site divided by a district boundary, which requires a special permit under Z.R. §73-52, to extend the C6-2 use and bulk regulations 25' into the adjacent M1-5B zoning district.

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

COMMUNITY BOARD #2M

PREMISES AFFECTED - 2276 86th Street, south side, 36'-8" west of 23rd Avenue, Block 6383, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #11BK

Pasquale Pacifico, Executive Director

CALENDAR

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 25, 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, January 14, 2003, were approved as printed in the Bulletin of January 23, 2003, Volume 88, No. 4.

SPECIAL ORDER CALENDAR

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 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

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APPEARANCES -

For Applicant: None.

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

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, an extension of the term of the variance which expired on April 10, 2001, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, after due notice by publication in *The City Record*, and laid over to December 17, 2002, February 4, 2003 and then to February 25, 2003 for decision; and

WHEREAS, on April 10, 1956, the Board granted an application permitting a gasoline service station with accessory uses;

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a new metal canopy over the gasoline pumps;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on April 10, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from the April 10, 2001 to expire on April 10, 2011 and to permit the erection of a new metal canopy over the gasoline pumps, on condition

THAT all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received June 11, 2002” -(5) sheets, “September 27, 2002”-(2) sheets and “January 28, 2003”-(1) sheet; and *on further condition*;

THAT the premises shall be maintained free of debris

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening, an extension of the term of the variance which expired on May 22, 2002, and an amendment to the resolution; 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 11, 2003 and then to February 25, 2003 for decision; and

WHEREAS, on May 22, 1956, the Board granted an application permitting a gasoline service station with accessory uses;

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a new metal canopy over new motor fuel dispensers and to extend the hours of operation for both the gasoline service station and convenience store;

and graffiti;

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

THAT there shall be no coin-operated car washes on the premises;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB# 401458310/401458329)

Adopted by the Board of Standards and Appeals, February 25, 2003.

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.

SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:.....0

WHEREAS, upon examination of the surrounding area, the Board finds that the proposed extension of hours of operation is not compatible with the surrounding neighborhood; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on May 22, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from the May 22, 2002 to expire on May 22, 2012, to permit the erection of a new metal canopy over new motor fuel dispensers, on condition

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

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application marked "Received October 30, 2002"-(1) sheet and "February 11, 2003"- (1) sheet; and on further condition;

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

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

THAT the hours of operation for any automobile vacuums shall be limited to 9:00 AM to 7:00 PM;

THAT there shall be no coin-operated car washes on the premises;

THAT there shall be no used car sales on the premises;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB# 401454369)

Adopted by the Board of Standards and Appeals, February 25, 2003.

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 -

For Applicant: Sandy Angnostov.

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB# 400579520)

Adopted by the Board of Standards and Appeals, February 25, 2003.

58-99-BZ

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, 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 term of the variance which expired on July 2, 2001; and

WHEREAS, a public hearing was held on this application on February 4, 2003, after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, on July 2, 1996, the Board granted an application permitting the reestablishment of an expired special permit previously granted under BSA Calendar Number 554-82-BZ which permitted a drive-through facility for an eating and drinking establishment;

WHEREAS, the applicant seeks to extend the term of the special permit;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on July 2, 2001, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the special permit for an additional five (5) years from the July 2, 2001 to expire on July 2, 2006, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 11, 2002"-(4) sheets; and on further condition;

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

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

APPLICANT - Vassalotti Associates Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application September 10, 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 October 26, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 18-10 Utopia Parkway, northwest corner of 19th Avenue and Utopia Parkway, Block 5743, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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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, an extension of the time to obtain a Certificate of Occupancy which expired on October 26, 2000, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on January 28, 2003, after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, on October 26, 1999, the Board granted an application permitting the reestablishment of a gasoline service station and automotive repair facility;

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a new metal canopy over new concrete pump islands and to extend the hours of operation for gasoline sales to 24 hours a day, 7 days a week;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the variance which expired on April 10, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution, and to permit the erection of a new metal canopy over new concrete pump islands, *on condition*

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received December 3, 2002”-(2) sheets and “February 11, 2003”-(1) sheet; and on further condition;

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

THAT any graffiti located on the premises shall be

WHEREAS, the subject variance was granted by the Board on August 7, 2001, under Z.R. §72-21, permitting, on a site previously before the Board, the enlargement of an existing school (use group 3) located in a rear yard, which is contrary to 24-33, since a permitted obstruction in a required rear yard or year yard equivalent is limited to one story not exceeding 23' above curb level; and

WHEREAS, public hearings were held on the underlying variance application on October 17, 2000, after due notice by publication in *The City Record*, laid over to October 31, 2000, January 31, 2001, February 27, 2001, March 27, 2001, May 1, 2001, June 5, 2001 and then to August 7, 2001 for decision; and

WHEREAS, the subject property is presently a school, which was developed over a period of years, and occupies what previously were three buildings; and

WHEREAS, the original building, located at 18-20 West 89th Street, was erected in 1918 by the Franklin School as a four story and cellar school building; and

removed within 48 hours;

THAT there shall be no coin-operated car washes on the premises;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB# NB. 2068)

Adopted by the Board of Standards and Appeals, February 25, 2003.

134-99-BZ

APPLICANT - New York City Board of Standards and Appeals. Martyn and Don Weston Architects, for Franklyn Holding Company, owner; The Dwight School, owner.

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision.

PREMISES AFFECTED - 18 West 89th Street, aka 17-19 West 88th Street, south side, 160' west of Central Park West, Block 1202, Lots 25, and 40, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: I. Don Weston.

ACTION OF THE BOARD - Prior variance reaffirmed.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, in 1962 a brownstone building was purchased and converted to a school use; and

WHEREAS, a one-story connection between the school and this brownstone was built in 1963; and

WHEREAS, in 1967, the school purchased the adjoining brownstone, located at West 88th Street, demolished this building and in 1969 constructed a four-story fireproof school building; and

WHEREAS, the Franklin School continued to occupy the premises until 1980 when it was taken over by its present occupant, the Anglo-American School, which combined with the Dwight School in 1993 and is know as The Dwight School; and

WHEREAS, in 1987, the Anglo-American School applied to the Board of Standards and Appeals to add a floor each to the West 89th Street building and the West 88th Street building, as well as the addition of one floor in the rear yard; and

WHEREAS, the Board granted the requested

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additions, however, because sufficient funds could not be raised the additions were never constructed; and

WHEREAS, in 1993 the height of the one story connection, which is used as a gymnasium was raised three feet to better facilitate the use of the space; and

WHEREAS, in its Resolution dated August 7, 2001, the Board stated the reasons why the applicant met the requirements of Z.R. §72-21; and

WHEREAS, however, by Order dated June 19, 2002, Supreme Court Justice Alice Schlesinger. directed that the case be remanded to the Board solely to consider the financial aspects which were presented in the July 10, 2001 submission and on the "sole issue as to whether or not the Dwight School has met their burden in showing that they would be unable to realize a reasonable return on their property without the variance"; and

WHEREAS, therefore, on remand, the Board held public hearings accepted evidence and heard testimony regarding the school's ability to use as-of-right options to earn a reasonable return; and

WHEREAS, this resolution is not intended to replace the original August 7, 2001 resolution, but to have the Board reconsider the economic needs of the school; and

WHEREAS, the applicant submitted comprehensive documentation demonstrating that the subject variance is needed to ensure the continuation and future academic success of the school and to remain competitive with similar institutions; and

WHEREAS, as in the prior hearings, the Board considered evidence and testimony from neighborhood residents, school officials and community advocates, regarding the financial analysis; and

WHEREAS, the Board finds that although issues of economic need were raised during the instant proceedings, the evidence presented was similar to that presented during the October 17 2000, October 31, 2000, January 31, 2001, February 27, 2001, March 27, 2001, May 1, 2001, June 5, 2001 which the Board considered in

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 25, 2003.

472-37-BZ, Vol. IV

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

SUBJECT - Application February 15, 2002 - request for a waiver

reaching its decision of August 7, 2001; and

WHEREAS, therefore, the Board reaffirms its determination that an as-of-right development of the school would not earn a reasonable return; and

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

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

WHEREAS, since the application meets the requirements of Z.R. §72-21, it must be sustained.

Resolved, the Board of Standards and Appeals reaffirms its issuance of a Type I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review the Board upholds its grant of a variation in the application of the Zoning Resolution, permitting, on a site previously before the Board, the enlargement of an existing school (use group 3) located in a rear yard, which is contrary to 24-33, since a permitted obstruction in required rear yard or year yard equivalents are limited to one story not exceeding 23' above curb level, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, "June 23, 1999"-(2) sheets, "June 30, 2000"-(3) sheets, "July 26, 2000"-(1) sheet and "August 28, 2000"-(1) sheet; and *on further condition*;

THAT all conditions from the prior grants shall remain in effect;

THAT substantial construction will 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;

of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of

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The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Jacqueline Ciglan.

For Administration: John Yacovone, Fire Department.

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

176-99-BZ

APPLICANT - The Agusta Group, for Marathon Parkway Assoc., LLC., owner.

SUBJECT - Application October 31, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 45-17 Marathon Parkway, east side 110.48' south of Northern Boulevard, Block 8226, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Philip P. Agusta, Daniel Lane, Lennard Katz.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 18, 2003, at 10 A.M., for decision, hearing closed.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 25, 2003

2:00 P.M.

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

ZONING CALENDAR

281-99-BZ

CEQR #00-BSA-054K

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

161-00-BZ

APPLICANT - Stuart A. Klein, Esq., for Ida Greenberg, as trustee for Sutton Realty Associates, LLC, owner; Bodescu Skin Care, Inc., lessee.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 314-322 East 52nd Street, south side of 52nd Street, between First and Second Avenues, Block 1344, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Allison Kamersky.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 18, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 15, 1999, acting on Application No. 300865482, reads:

- “1. Proposed Mini-storage warehouse (U.G. 16) is not a permitted use in the R3-1 zone. (section 22-10ZR). Variance needed from Board of Standards and Appeals.
2. Bulk regulation not provided in R3-1 zoning district for Mini-storage warehouse B.S.A. must provide.
3. Proposed Mini-storage facility does not comply with provisions of Article 6 Chapter 2 regarding Water Front Area regulations. Variance needed from Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this

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application on July 25, 2000 after due notice by publication in *The City Record*, laid over to September 12, 2000, May 15, 2001, September 25, 2001, October 16, 2001, December 4, 2001, February 12, 2002, March 5, 2002, March 19, 2002, May 7, 2002, July 9, 2002, October 8, 2002, November 12, 2002 and then to January 28, 2003 for decision and deferred until February 25, 2003; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations 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, this is an application under Z.R. §72-21, to permit the proposed construction of a mini-storage facility, (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-00; and

WHEREAS, the record indicates that subject premises is an irregularly-shaped parcel, fronting on both Strickland Avenue and the east side of Mill Basin, comprised of Lots 1060, 1064, 1070 and 1076 on Block 8470, with a total area of 121,846 square feet; and

WHEREAS, the applicant represents that the property is located on the eastern portion of a large "superblock" of more than 50 acres, which is bounded by Flatbush Avenue, Avenue U, Mill Avenue and Strickland Avenue; and

WHEREAS, evidence in the record indicates that the property has historically been used for various industrial uses, until the early 1990's when it was utilized as a waste

WHEREAS, the applicant further represents that the aforementioned conditions result in expensive and prohibitive remediation costs that would render a development under the present R3-1 zoning regulations infeasible; and

WHEREAS, therefore the Board finds that unique physical conditions of the lot makes its development under the present R3-1 zoning regulations impractical and creates an unnecessary hardship in developing the site under current zoning, thus satisfying the requirements of §72-21(a); and

WHEREAS, the applicant has provided a feasibility study and has sufficiently demonstrated to the Board that a development under the present R3-1 zoning regulations would not yield the owner a reasonable return, thus satisfying the requirements of §72-21(b); and

WHEREAS, the Board notes that the surrounding area across Strickland Avenue is characterized by residential developments; and

WHEREAS, the City Planning Commission, Department of City Planning and the City Council worked in conjunction to rezone the subject area from manufacturing to residential use; and

WHEREAS, in 1996 the subject area was rezoned from M3-1 to R3-1; and

WHEREAS, the City Planning Commission opposed this application and in a letter dated August 7, 2000 stated that "[t]he variance appeal is clearly contrary to the intent of the zoning map change" and "[t]he goal of the 1996 rezoning effort was to support the residential reuse of the

treatment facility; and

WHEREAS, the waste treatment use was terminated in 1995, and the site has since been used as overnight storage for buses; and

WHEREAS, the subject proposal seeks to erect six two-story structures to be used as mini-storage facilities and a two-story 30' x 40' building to be used as office space and living area for the caretaker; and

WHEREAS, through a series of voluminous submissions, the applicant has demonstrated that the subject site is burdened with a number of unique conditions inherent to the lot which create an unnecessary hardship and practical difficulty in constructing a conforming/complying development; and

WHEREAS, these conditions include the irregular shape of the lot and subsurface soil conditions stemming from a history of industrial uses; and

WHEREAS, the applicant represents that the subject site has an irregular shape due to angled boundaries; and

WHEREAS, evidence in the record indicates that the site's former industrial uses such as an oil and gasoline terminal have resulted in extensive petroleum contamination of the soil; and

WHEREAS, the applicant contends that necessary remediation measures would include the removal of gasoline-contaminated soil to the ground water level for off-site treatment/disposal at a permitted facility, filling the site with clean soil, and installing a groundwater treatment system to remove gasoline from the groundwater; and underused waterfront property"; and

WHEREAS, by report dated June 22, 2000, Community Board #18 disapproved this application 35-0, stating that "[t]he use of this property for anything other than residential development would be incongruent with the community's efforts to develop the surrounding parcels residentially as R3-1"; and

WHEREAS, the Board has determined that the proposed use variance would undermine the intent of the residential rezoning of the area and thus alter the essential character of the neighborhood and district; and

WHEREAS, therefore, the subject application fails to meet the requirements of §72-21(c); and

WHEREAS, the Zoning Resolution mandates that each and every finding of §72-21 shall be met in order to grant a variance; and

WHEREAS, the subject application does not meet the (c) finding and must be denied.

THEREFORE, it is resolved that the decision of the Borough Commissioner dated October 15, 1999, acting on Application No. 300865482 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, February 25, 2003.

83-02-BZ

CEQR #02-BSA-156K

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to

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permit in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00; and

WHEREAS, the subject building is a four-story structure housing 46,369 square feet located on Bergen Street, between Franklin and Classon Avenues; and

WHEREAS, the record indicates that the building was erected in the mid-1800s for manufacturing uses, but that today, the top three floors are vacant and that a month to month warehouse tenant occupies the ground floor; and

WHEREAS, the building suffers from an irregular configuration because it contains four floors in the front and three in the rear and has been subjected to numerous alterations which the applicant represents results in floor alignment problems and occupancy by different tenancies; and

WHEREAS, the building's loading capacity is not sufficient for typical manufacturing uses that must be large enough to accommodate the large tractor-trailer customarily used for most manufacturing or commercial uses; and

WHEREAS, the record indicates that all floors, both rear and front, are encumbered by tightly spaced support columns which are made of different materials and are not consistent between the floors; and

WHEREAS, site's history of development with long periods of vacancy, its small floor plates, poorly aligned floors, inability to provide loading docks pursuant to Z.R. Section 44-581 and evidence in the record indicating that the subject site cannot house or be converted to a viable

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2002 acting on Application No. 301126528 reads:

“The proposed residential building located within an M1-1 zoning district is contrary to the use regulations of Section 42-00 of the zoning resolution and requires a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record* and laid over to January 7, 2003, January 28, 2003 and then to February 25, 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

entirely conforming structure creates an undue burden in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is adjacent to legal non-conforming residential developments on its south and east sides; and

WHEREAS, the Board notes that the proposed development is a low-rise residential building similar to the surrounding residential buildings; 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 applicant has adequately demonstrated to the Board that on-site parking is not feasible and that off-site parking will be provided for a minimum term of 10 years; 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

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considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed conversion of a four-story industrial building into a residential building with 34 units contrary to Z.R. §42-00 *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 21, 2003"-(2) sheets and "February 11, 2002"-(9) 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

149-02-BZ &150-02-BZ CEQR #02-BSA-197R

APPLICANT - Land Planning & Engineering Consultants, P.C., by Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank 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 - None.

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 May 3, 2002 acting on Application No. 500509782 reads:

"1. THE PROPOSED APPLICATION TO
CHANGE EXISTING USE "RESELLING

and graffiti;

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

THAT off-site parking shall be provided for a minimum term of ten (10) years;

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

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 25, 2003.

PRODUCTS NOT PRODUCED ON SAME LOT" APPROVED BY BSA UNDER CALENDAR # 269-71-BZ TO EATING AND DRINKING ESTABLISHMENT USE GROUP 6 IN R3-2 DISTRICT IS NOT PERMITTED AS-OF-RIGHT AND THEREFORE IS REFERRED TO THE BOARD OF STANDARDS AND APPEALS FOR VARIANCE."; 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 25, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10; and

WHEREAS, on January 11, 1972 under Calendar Number 269-71-BZ the Board permitted, on a plot with greenhouses, the sale of agricultural products grown off-site as amended through May 4, 1982, to include open accessory off street parking

WHEREAS, the subject site is an oversized irregularly shaped lot containing 84,153 square feet currently developed with approximately 20,000 square feet of greenhouse space, with approximately 8,000 square feet

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used for retail; and

WHEREAS, the record indicates that the greenhouse was developed at the turn of the 20th Century and has been family owned since its inception; and

WHEREAS, the applicant represents that in an attempt to remain competitive, the nursery has been amended and altered without economic success, because the trend is to convert nurseries to florists, landscape facilities, or specialized furniture facilities; and

WHEREAS, the evidence indicates that Richmond Avenue has transformed from a main thoroughfare to a commercial arterial roadway, developed on both sides with as-of-right or legal non-conforming professional offices, retail establishments or community facility uses; and

WHEREAS, the subject site is located on a Street without sanitary sewers adjacent to a mapped parkland

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by commercial and eating and drinking establishments; and

WHEREAS, therefore, the Board finds that the introduction of an eating and drinking establishment and a bank use at the subject premises will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the construction of two one-story buildings one housing a 7,326 square foot eating and drinking establishment, and the other housing a 3,831 square foot bank contrary to Z.R. §22-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 23, 2002"-(2) sheets and "January 28,

and a commercial lot pursuant to 118-01-BZ; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, an irregularly shaped oversized corner lot, the site's history with a Board approved non-conforming uses, and evidence indicating that the commercial greenhouse is now obsolete, presents an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the record indicates that replacing approximately 20,000 square feet of greenhouse space with one 7,800 square foot building and one 3,800 square foot building separated by a parking lot would not upset the character of the surrounding neighborhood; and 2003"-(1) sheet; and on further condition;

THAT the term of the variances shall be limited to ten (10) years from the date of this grant expiring February 25, 2003;

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

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 25, 2003.

274-02-BZ

CEQR #03-BSA-054X

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

SUBJECT - Application October 9, 2002 - under Z.R. §73-50 to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29.

PREMISES AFFECTED - 2350 Jerome Avenue, between 184th

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Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

Applicant: Janice Cahalane.

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 premises and surrounding area had 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 for a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29; and

WHEREAS, the subject site is located within a C8-3 zoning district and borders an R8 zoning district to the east; and

WHEREAS, although the proposed use is permitted as-of-right in the subject zoning district, its adjacency to a R8 district requires a 30 foot rear yard as mandated in §33-29, which this application seeks relief from; and

WHEREAS, the proposal seeks to construct a new automotive service station with an accessory convenience store containing 2,900 square feet of floor area at the northern end of the premises leaving a rear yard on 18.5 feet; and

WHEREAS, under §73-50, the Board may grant a waiver of rear yard requirements set forth in §33-29 provided that such waiver will not have an adverse affect on the surrounding area; and

WHEREAS, the applicant represents that to the rear of the subject site, and within the R8 district, is an existing brick multiple dwelling and a smaller residential structure, both of which rest at a grade substantially higher than the grade of the subject premises; and

WHEREAS, the applicant asserts that due to these grade conditions, the location of the proposed structure at the premises will, at its highest point, be located below the ground level of the residential properties to its rear; and

WHEREAS, the applicant represents that there will be automobile repairs on the premises; and

WHEREAS, therefore, the Board finds that the rear yard waiver will not have an adverse affect on the surrounding area, 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 decision of the Borough Commissioner dated September 16, 2002 acting on Application No. 200750856 reads:

“Proposed construction of a new 2,900 s.f. building housing an automotive filling station (U.G. 16) with an accessory convenience store within required 30' rear yard setback along district boundary per section 33-29 requires a special permit approval under the provisions of Z.R. 73-50 by NYC BSA for a waiver of the rear yard requirement.”; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in *The City Record*, and laid over to February 25, 2003 for decision; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-50 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under §33-29, *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 9, 2002”-(6) sheets; and *on further condition*;

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

THAT there shall be no washing of cars other than as an accessory use;

THAT there shall be no used car sales on the premises;

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

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring February 25, 2013;

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

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

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

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

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

THAT this approval is limited to the relief granted by the Board

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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 **278-02-BZ**

CEQR #03-BSA-058K

APPLICANT - Sheldon Lobel, P.C., for Steven Mishan, owner.
SUBJECT - Application October 16, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and 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.

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 September 17, 2002, acting on Application No. 301368687 reads:

- "1) Proposed plans are contrary to Z.R. 23-141 in that the floor area ratio exceeds the .56 permitted and the lot coverage ratio is greater than the 35% permitted.
- 2) Proposed plans are contrary to Z.R. 23-461 in that the proposed side is less than the minimum 5'-0" required on one side and less than the total 13'-0" required.
- 3) Proposed plans are contrary to [Z].R. 23-47 in that the proposed rear yard is less than 30 feet"; and

WHEREAS, a public hearing was held on this application on February 4, 2003 and then to February 25, 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-

to the relief granted;

Adopted by the Board of Standards and Appeals, February 25, 2003.

622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to Z.R §§23-141, 23-461 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 R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to Z.R §§23-141, 23-461 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 16, 2002"-(6) 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)

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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.

286-02-BZ

CEQR #03-BSA-065K

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 of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

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: Jacqueline Cigliano.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2003, acting on Application No. 300596399 reads:

"Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- 1). Proposed floor area contrary to zr 23-141.
- 2). Proposed open space ration contrary to zr 23-141.
- 3). Proposed rear yard contrary to zr 23-47.
- 4). Proposed side yard contrary to zr 23-461.;" and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in *The City Record*, and laid over to February 25, 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 R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R §§23-141, 23-461 and 23-47; and

Adopted by the Board of Standards and Appeals, February 25, 2003.

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 R2 zoning district, which creates non-compliance with regard to floor area, open space, side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 25, 2002"-(4) sheets and "December 10, 2002"-(2) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 25, 2003.

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339-02-BZ

CEQR #03-BSA-082Q

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

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit in an R3-2 zoning district, the reestablishment of an expired variance granted under Calendar Number 219-71-BZ, which permitted warehouse and office uses and the addition of lot Number 4 to the subject premises, contrary to Z.R. Section 22-00 and Calendar Number 219-71-BZ.

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 18, 2002 acting on Application No. 90/76 reads:

- “1. IN A R3-2 ZONING DISTRICT PERMISSION TO EXTEND THE TERM OF THE VARIANCE AT THIS TIME AND REOPEN AND AMEND THE PRIOR APPROVAL GRANTED BY THE BOARD OF STANDARDS AND APPEALS. CAL.# 219-71-BZ Vol. II.
2. THE ADDITON OF LOT AREA TO A NON-CONFORMING USE IS CONTRARY TO SECTION 22-00 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on January 7, 2003 after due notice by publication in *The City Record* and laid over to , 2003 and then to February 25, 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, on a site previously before the Board, to permit, in an R3-2 zoning district, the reestablishment of an expired variance

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of

granted under Calendar Number 219-71-BZ, which permitted warehouse and office uses and the addition of lot Number 4 to the subject premises, contrary to Z.R. Section 22-00 and Calendar Number 219-71-BZ; and

WHEREAS, Community Board #13, Queens, recommends conditional approval of this application; and

WHEREAS, under Calendar #219-71-BZ, in 1977, the Board granted a variance for the erection of a one-story warehouse and office building with accessory parking in the open area; and

WHEREAS, the record indicates that the subject building was erected and completed in October 1990 and has been continuously housed warehouse and office occupancies; and

WHEREAS, the site is located on a major commercial thoroughfare; and

WHEREAS, the record indicates that on April 16, 1993, a Department of Buildings General Counsel Memorandum informed the owner that, Board approval was not required to extend the term of the variance; and

WHEREAS, the applicant represents that not only is the subject site in substantial compliance with the Board’s original approval, but that at 28,508 square feet, the building is slightly smaller than the 29,753 square feet originally approved; and

WHEREAS, lot 4 was added to the site on December 17, 1990 in order to expand the paved parking area as the curb cut for the parking area passes through lot 4; and

WHEREAS, the applicant represents that the additional area was needed because the proposal could not meet Department of Transportation grade requirements without losing at least 10 parking spaces and that by using lot 4 as an entrance ramp and as part of the lot area, only 5 spaces are lost; and

WHEREAS, the site’s history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that the building and uses will remain as they have existed since 1990; and

development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the

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owner or a predecessor in title; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district, the reestablishment of an expired variance granted under Calendar Number 219-71-BZ, which permitted warehouse and office uses and the addition of lot Number 4 to the subject premises, contrary to Z.R. Section 22-00 and Calendar Number 219-71-BZ, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 14, 2002"-(3) sheets and "January 28, 2003"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, expiring on February 25, 2013;

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

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

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

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

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

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

THAT the Department of Buildings must ensure

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,

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 25, 2003.

351-02-BZ

CEQR #03-BSA-091Q

APPLICANT - Stadtmauer Bailkin, LLP by Steven Sinacori, for 33-11 Associates, owner; Operative Cake Company, lessee.

SUBJECT - Application December 3, 2002 - under Z.R. §72-21 to permit in an R-5 zoning district the reestablishment of an expired variance previously granted under Calendar Number 662-69-BZ, permitting the operation of a food warehouse and distribution facility, (Use Group 17) contrary to Z.R. Section 22-00.

PREMISES AFFECTED - 33-55 11th Street, a/k/a 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Howard Zipser.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 6, 2002 acting on Application No. 401547518 reads:

"Existing structure to continue to be used for a food products warehouse and packaging facility (Use Group 17) is contrary to BSA Calendar # 662-69-BZ which expired 5/5/85. Re-establishment of variance is needed from BSA."; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in *The City Record* and laid over to February 25, 2003 for decision; and

WHEREAS, Community Board #1, Queens, recommends approval of this application; and

on a site previously before the Board, to permit, in an R-5 zoning district the reestablishment of an expired variance previously granted under Calendar Number 662-69-BZ, permitting the operation of a food warehouse and distribution facility, (Use Group 17) contrary to Z.R. Section

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22-00; and

WHEREAS, in 1970 under Calendar Number 662-69-BZ, the Board permitted operation of a food warehouse and distribution facility on an existing one-story, 21 foot 5 inch high building containing approximately 27,889 square feet on a through lot of approximately 29,589 square feet fronting approximately 170.12 feet on the west side of 12th Street and 150.12 feet on the east side of 11th Street; and

WHEREAS, the subject building originally housed a "food products" warehousing and packaging facility (Use Group 17), resulting in it being equipped with 13 five by eight foot overhead doors located along the 11th Street frontage and 3 overhead doors along the 12th Street frontage; and

WHEREAS, the doors located along the 11th Street frontage are used by step vans loading products for distribution from the facility, with the 12th Street entrance used by larger trucks; and

WHEREAS, the record indicates that the facility operates 7 days a week between the hours of 3:00 A.M. to 11:00 P.M., employs 19 people, on each of its two shifts with deliveries occurring between 2:00 to 10:00 P.M.; and

WHEREAS, the applicant represents that deliveries are limited to two per day; that pick-ups occur between 3:00 A.M. and 9:00 A.M.; and that refuse is picked up between 5:00 A.M. and 9:00 A.M.; and

WHEREAS, the evidence indicates that the subject site is abutted by manufacturing, retail, automotive uses or vacant lots; and

WHEREAS, the Board agrees with the applicant's representation, that although the variance lapsed, the uses at the premises have remained unchanged and a residential development would be inappropriate and out of character with the immediate area; and

WHEREAS, the site's history of development with non-conforming Board-approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that although the subject property is located in an R5 zoning district, the surrounding area is characterized by a mixture of

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

residential, retail, manufacturing and commercial uses; and
WHEREAS, the Board notes that, the subject building has housed a "food products" warehousing and packaging facility (Use Group 17) for more than 30 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

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 Section 72-21 of the Zoning Resolution; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R-5 zoning district the reestablishment of an expired variance previously granted under Calendar Number 662-69-BZ, permitting the operation of a food warehouse and distribution facility, (Use Group 17) contrary to Z.R. Section 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 December 3, 2002"-(3) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on February 25, 2013;

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

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)

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

Adopted by the Board of Standards and Appeals,
February 25, 2003.

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Chris Wright, Jack Freeman.

For Opposition: Craig Hammerman,, Linda Marianno, Bette Stoltz, Enid Braun, Cynthia Simmons, Phaedra Thomas, Christine Mackellar and other.

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

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jacqueline Cigliano, Albert Merango, Janice Cahalane, Sheldon Lobel, John Beker and Dan Wurtzel.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: John Cahalane and Rizwan Abdus Salam.

For Administration: John Yacovone, Fire Department.

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

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

Negative:0

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

152-02-BZ

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

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, in a C2-8 zoning district, requires a special permit as per Z.R. §32-31.

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordon Most.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Abstain: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

214-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, which is contrary to §42-00.

215-02-BZ

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

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

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

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Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jeffrey Chester and Dean Perce.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Abstain: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

218-02-BZ

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

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

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

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis and Jack Freeman.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for continued hearing.

271-02-BZ

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

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, Abstain: Commissioner Miele.....1

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

356-02-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipser, Esq., Stadtmauer Bailkin, LLP, owner.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to

which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, which is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel and Mendel Klein.

For Opposition: Steven Bleid, Kalman Liehskouits, Fivel Sofer, F. Bleier and Liena Lester.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Abstain: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

348-02-BZ

APPLICANT - Cellular Telephone Company d/b/a AT & T Wireless Services for Michael Morrin, owner; Cellular Telephone Company d/b/a AT & T Wireless Services, lessee.

SUBJECT - Application November 22, 2002 - under Z.R. §§73-04, 32-31&22-21 to permit the proposed installation of a wireless telecommunications facility (70' cellular monopole) in a C2-2 overlay district in an R3-2 zone, which requires a special permit.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: David Bronston.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Z.R. §33-20 and previous Cal. No. 67-96-BZ.

PREMISES AFFECTED - 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner, Howard Zipser, Howard Hornstein, Peter Geis, Ed Lauria, Jack Freeman, John Aleritt and Christina Vhl.

For Opposition: Jesse Masyr.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 1:30 P.M., for continued hearing.

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Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.