
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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April 29, 2004

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151-04-BZ B.BX. 1385 Commerce Avenue,
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COMMUNITY BOARD #10BX

152-04-BZ B.BX. 3213 Edson Avenue, bounded on the north by East 222nd Street, south by Burke Avenue and west by Grace Avenue, Block 4758, Lot 25, Borough of The Bronx. N.B. #200815029. Proposed construction of four, one-story warehouses (Use Group 16,) for warehouse/storage/distribution uses, located in an R5 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #10BX

153-04-BZ B.BK. 2948 Voorhies Avenue, a/k/a 2710 Haring Street, southwest corner, Block 8794, Lot 10, Borough of Brooklyn. Applic. #301632936. Proposed two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for front yard, lot width, lot area and minimum dwelling size units, in a detached residence, is contrary to Z.R. §23-222, §23-45 and §23-32.

COMMUNITY BOARD #15BK

154-04-BZ B.BK. 63 Rapeleye Street, north side, 116' east of Hamilton Avenue, Block 363, Lot 48, Borough of Brooklyn. N.B. #301645245. Proposed construction of a four family dwelling, Group 2, located in M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #6BK

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156-04-BZ B.BK. 9712 Flatlands Avenue, between East 98th Street and Rockaway Parkway, Block 8205, Lot 40, Borough of Brooklyn. Alt.1 #301810128. The legalization of an existing insurance brokerage business, Use Group 6, located in an R5 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #18BK

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COMMUNITY BOARD #1BK

158-04-BZ B.BK. 1035 Ocean Parkway,
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COMMUNITY BOARD #12BK

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.

MINUTES

MAY 25, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 25, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

371-29-BZ

APPLICANT - Maduakolam Mish. Nnabuihe, for Getty Petroleum Corp., owner; Besan Trading Inc., lessee.

SUBJECT - Application January 9, 2004 - reopening for an amendment to the resolution for tire shop as an accessory use to the existing automotive service station.

PREMISES AFFECTED - 1210-1230 East 233rd Street, northwest corner of Grenada Place and Edson Avenue, Block 4934, Lot 66, Borough of The Bronx.

COMMUNITY BOARD #13BX

753-63-BZ

APPLICANT - Anthony N. Borowiec, P.E., for Warren Kurtz, P.E. of NYC Department of Environmental Protection, owner.

SUBJECT - Application March 5, 2004 - reopening for an amendment to the resolution to add three additional stories to the station.

PREMISES AFFECTED - 184 Avenue D, east side of Avenue D, 20' south of 13th Street, Block 367, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #3M

MAY 25, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 25, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

193-03-BZ

APPLICANT - James M. Plotkin, Esq., for Park and Kent Associates, Inc., owner.

SUBJECT - Application June 10, 2003 - under Z.R. §72-21 to permit the proposed construction of a five (5) story, 27 unit residential building, in an M1-1 zoning district.

PREMISES AFFECTED - 824/34 Kent Avenue, south side of Park Avenue, and east of Taaffe Place, Block 1897, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #3BK

389-03-BZ

APPLICANT - Harold Weinberg, P.E., for Miriam Katz, owner.

SUBJECT - Application December 16, 2003 - under Z.R. §73-622 to permit the proposed erection of a two story rear enlargement, to an existing one family dwelling, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, rear yard, lot coverage and side yards, is contrary to Z.R. §23-141, §23-461, §23-47 and §54-31.

PREMISES AFFECTED - 1959 East 24th Street, east side, 460'0" south of Avenue "S", Block 7303, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #15BK

38-04-BZ

APPLICANT - Eric Palatnik, P.C., for Sanford Becker and Howard Ochs, owner.

SUBJECT - Application February 13, 2004- under Z.R. §72-21 to permit the legalization of the northern side yard at an existing dentist's office, Use Group 4, located in an R3-2 zoning district, which is in non-compliance with Z.R. §23-464 and §24-35.

PREMISES AFFECTED - 70-15 164th Street, east side, between Jewel and 71st Avenues, Block 6933, Lot 78, Borough of Queens.

COMMUNITY BOARD #8Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, APRIL 20, 2004
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 24, 2004, were approved as printed in the Bulletin of March 4, 2004, Volume 89, No. 9-10.

SPECIAL ORDER CALENDAR

32-02-BZ

APPLICANT - Martyn & Don Weston, for Winchester Realty Group, LLC, owner.

SUBJECT - Application December 12, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 176-182 Johnson Street, southwest corner of 92-102 Prince Street, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 9, 2004, after due notice by publication in The City Record, with a continued hearing on March 30, 2004 and then laid over to April 20, 2004 for decision; and

WHEREAS, on October 8, 2002, under the subject calendar number, the Board granted a variance permitting the conversion of a former industrial building located in an M1-1 zoning district to residential use; and

WHEREAS, the applicant represents that the building owner has since obtained an easement from the adjoining property making the west wall windows usable for legal light and air; and

WHEREAS, therefore, the apartments are proposed to be rearranged to take advantage of this new condition; in addition, there is a reduction in the proposed total number of apartments, from 63 to 56; and

WHEREAS, the applicant further represents that the first floor will remain commercial.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution so that as amended this **1043-80-BZ**

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a

portion of the resolution shall read: "to permit a modification of approved plans to reflect an easement from the adjoining property making the west wall windows usable for legal light and air, and to reflect the rearrangement of the apartments and the reduction in their total number from 63 to 56, *on condition* that all work shall substantially conform to drawings as filed with this application marked "Received December 12, 2003"- (4) sheets and "March 11, 2004"- (2) sheets; and *on further condition*;

THAT the first floor of the premises will be limited to commercial Use Group 6 uses;

THAT the above condition, and all relevant conditions from prior resolutions required to be on the certificate of occupancy, shall appear on the new certificate of occupancy;

THAT the submitted light and air easement will be reviewed and approved by the Department of Buildings;

THAT all Multiple Dwelling Law requirements applicable to the proposal will be reviewed and approved by the Department of Buildings;

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# 301116664)

Adopted by the Board of Standards and Appeals, April 20, 2004.

844-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ozone Auto Service, Inc., owner.

SUBJECT - Application January 13, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 9, 2003.

PREMISES AFFECTED - 87-19 Rockaway Boulevard, a/k/a 97-18/58 88th Street, northwest corner of Rockaway Boulevard and 88th Street, Block 9060, Lot 25, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to May 11, 2004, at 10 A.M., for decision, hearing closed.

waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a

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4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to May 11, 2004, at 10 A.M., for decision, hearing closed.

982-83-BZ

APPLICANT - H. Irving Sigman, for Barone Properties Inc., owner.

SUBJECT - Application December 5, 2003 - reopening for an extension of time to complete construction and obtain a certificate of occupancy and for an amendment to the resolution.

PREMISES AFFECTED - 191-20 Northern Boulevard, southwest corner of 192nd Street, Block 5513, Lot 27, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: H. I. Sigman.

ACTION OF THE BOARD - Laid over to May 11, 2004, at 10 A.M., for continued hearing.

138-87-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Philip Cataldi Trust, owner; Enterprise Car Rental Co., lessee.

SUBJECT - Application January 9, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 12, 2003.

PREMISES AFFECTED - 218-36 Hillside Avenue southeast corner of Hillside Avenue and 218th Place, Block 10678, Lot 14, Hollis, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to May 25, 2004, at 10 A.M., for decision, hearing closed.

87-94-BZ

APPLICANT - The Law Office of Fredrick A. Becker, Esq., for Czech Republic, owner.

SUBJECT - Application November 13, 2003 - reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 321-325 East 73rd Street, north side of 73rd Street, Block 1448, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #8M

16-93-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 110 Christopher Street, LLC, owner.

SUBJECT - Application January 13, 2004 - reopening for an extension of term of variance which expired February 24, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 110 Christopher Street, south side, 192'-6.25" west of Bleecker Street, Block 588, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to May 25, 2004, at 10 A.M., for decision, hearing closed.

34-94-BZ

APPLICANT - Maduakolam M. Nnabuihe, for Kenny Collado, owner.

SUBJECT - Application October 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 6, 2003.

PREMISES AFFECTED - 401, 403, 405 Castle Hill Avenue, a/k/a 2181 Norton Avenue, northwest corner of Castle Avenue and Norton Avenue, Block 3510, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Larry Atah and Dr. Michael Maduakolam.

ACTION OF THE BOARD - Laid over to May 18, 2004, at 10 A.M., for continued hearing.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 27, 2004, at 10 A.M., for deferred decision.

173-94-BZ

APPLICANT - Board of Standards and Appeals

OWNER OF PREMISES: Richard Shelala.

SUBJECT - Application reopening for compliance to the resolution.

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PREMISES AFFECTED - 165-10 144th Road, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to June 22, 2004, at 10 A.M., for continued hearing.

200-00-BZ

APPLICANT - The Agusta Group, for Blans Development Corp., owner.

SUBJECT - Application August 28, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 107-24 37th Avenue, a/k/a 37-16 108th Street, southwest corner of 108th Street and 37th Avenue, Block 1773, Lot 10, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Nelly Minella.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to May 11, 2004, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 20, 2004

2:00 P.M.

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

WHEREAS, this is an application under Z.R. §72-21, to permit the legalization of an enlargement to an existing two story dwelling, located in an R6 zoning district, which does not comply with the zoning requirements for side yards, contrary to Z.R. §§23-48 and 23-461(a); and

WHEREAS, the subject premises is located 80 feet north from the northwest corner of Hobart Avenue and St. Theresa Avenue with a width of approximately 24' and a depth of 95'1", and is currently improved with a two story dwelling; and

WHEREAS, the applicant represents that the subject zoning lot was previously improved with a smaller two story dwelling; and

WHEREAS, in 1991, the dwelling was enlarged with a two story addition on both the east and west sides; and

WHEREAS, the applicant states that the dwelling that

ZONING CALENDAR

164-02-BZ

CEQR #02-BSA-207X

APPLICANT - Stuart A. Klein, Esq, for Marian Begley, owner.
SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit the legalization of an enlargement to an existing two story dwelling, located in an R6 zoning district, which does not comply with the zoning requirements for side yards, contrary to Z.R. §§23-48 and 23-461(a).

PREMISES AFFECTED - 1913 Hobart Avenue, west side, bounded by St. Theresa Avenue to the south and Wilkinson Avenue to the north, Block 4234, Lot 58, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 27, 2002, acting on Application No. 200592037, reads:

"In an R6 Zoning District on a 24 ft wide zoning lot (meeting the requirements of 23-48(B) Z.R.) a two family detached residence requires 2 side yards at least 5 ft wide. 23-461(A) and 23-48 Z.R."; and

WHEREAS, a public hearing was held on this application on December 16, 2003 after due notice by publication in *The City Record*, with continued hearings on February 3, 2004 and March 9, 2004, and then laid over to April 20, 2004 for decision; and

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

WHEREAS, Community Board 10, Bronx, recommends approval of this application; and

existed before the additions was approximately 19'4" wide and 30' deep, resulting in a foot print of approximately 585 square feet; and

WHEREAS, the applicant further states that along the original section of the home, the existing side yards measure approximately 3' and 10", while adjacent to the additions, the side yards measure 3'6" and 1'6"; and

WHEREAS, Z.R. §23-461 provides that the required total width of side yards in an R6 district is 13', with no side yard less than 5'; and

WHEREAS, however, Z.R. §23-48 - Special Provisions for Existing Narrow Zoning Lots - provides that the required total width of the side yards may be reduced by 4" for every foot by which the width of a zoning lot is less than required under the provisions of Z.R. §23-32; and

WHEREAS, applying the formula set forth in Z.R. §23-

MINUTES

48, in conjunction with the 40' minimum lot width in an R6 zoning district listed in Z.R. §23-32, results in a reduction of the total required side yards from 13' to 7'8"; and

WHEREAS, however, Z.R. §§23-461 and 23-48 both provide that no side yard shall be less than 5'; and

WHEREAS, the Board notes that a complying building would result in a home only 14 feet wide; and

WHEREAS, the applicant states that the very narrow width of the zoning lot combined with the requirements and conditions of Z.R. §§23-32, 23-48 and 23-461 present a practical difficulty for the homeowner; and

WHEREAS, the Board finds that the aforementioned unique physical condition, namely the irregular narrowness of the subject lot, creates a practical difficulty in developing the site in conformity with the current zoning; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the record indicates that narrow side yards already exist on other zoning lots in close proximity to the site; and

WHEREAS, the applicant asserts that the extensions to the home are entirely in keeping with the sightlines and overall architectural look of the neighboring homes; and

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

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

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

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

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

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

222-02-BZ

CEQR #03-BSA-017K

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

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit in an R4 zoning district, the proposed construction of a three story and cellar, nine family residential building, Use Group 2, which exceeds the permitted floor area and number of dwelling units, provides less than the required parking, and provides less than the required distance from a window to a side lot line, contrary to Z.R. §§23-141b, 23-22, 25-23, and 23-861.

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam Rothkrug.

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variance, to permit the legalization of an enlargement to an existing two story dwelling, located in an R6 zoning district, which does not comply with the zoning requirements for side yards, contrary to Z.R. §§23-48 and 23-461(a); *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "April 13, 2004"-(3) sheets; and *on further condition*:

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

THAT compliance with all applicable light and air and ventilation requirements will be as determined and approved by the Department of Buildings;

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

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

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

Adopted by the Board of Standards and Appeals, April 20, 2004.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

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

THE VOTE TO GRANT -

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

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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, revised and updated on March 25, 2004, acting on Application No. 301377169, reads:

“PROPOSED RESIDENTIAL DEVELOPMENT EXCEEDS PERMITTED FLOOR AREA REQUIREMENTS (Z.R. SECT. 23-141b), EXCEEDS PERMITTED NUMBER OF DWELLING UNITS (Z.R. SECT. 23-22,) AND PROPOSES ACCESSORY PARKING IN REQUIRED OPEN SPACE (Z.R. SECT. 23-141e), AND PROPOSES LEGALLY REQUIRED WINDOWS WITH A DISTANCE OF 8 FEET TO A SIDE LOT LINE (Z.R. SECT 23-861), AND REQUIRES A VARIANCE FROM THE B.S.A.” and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record, with continued hearings on March 4, 2003, March 25, 2003, May 20, 2003, July 15, 2003 (Adjourned), September 9, 2003 (Adjourned), October 17, 2003 (Adjourned) and then to November 25, 2003 for decision; the decision was deferred to January 6, 2004; the decision was again deferred to April 20, 2004; and

WHEREAS, Community Board No. 15, Brooklyn, recommends approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the proposed construction of a three story and cellar, nine family residential building, Use Group 2, which exceeds the permitted floor area and number of dwelling units, provides less than the required parking, and provides less than the required distance from a window

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the site in conformity with underlying district regulations: (1) the subject property is located in a block with a unique history (as described above), resulting in the site being excluded from consideration as a property within a PBA; (2) the property is developed with two obsolete frame dwellings, one of which was designed as a garage structure; (3) the property is adversely affected by a significant change in grade; and (4) the site is immediately adjacent to an R5 zoning district; and

WHEREAS, the Board finds that certain of the aforementioned unique physical conditions of the site, namely the significant change in grade affecting the lot and the unique history of the block, create unnecessary hardship and practical difficulties in developing the site in compliance with the current zoning; and

WHEREAS, the applicant states that a complying use on the premises cannot generate sufficient square footage to offset the development cost associated with the unique conditions inherent to the zoning lot; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the entire premises with a complying building would not yield the owner a reasonable

to a side lot line, contrary to Z.R. §§23-141b, 23-22, 25-23, and 23-861; and

WHEREAS, at the March 8, 2004 hearing, the applicant was instructed by the Board to obtain an updated DOB objection, addressing the fact that the proposed building, if erected, would violate Z.R. §23-861, which provides that required windows in the subject zoning district must be at least 15 feet from a side lot line; and

WHEREAS, the subject property is a 70 x 120 ft. lot developed with two existing one family dwellings, which are proposed to be demolished; and

WHEREAS, the applicant proposes to erect a three story, nine family dwelling that does not strictly comply with the underlying R4 bulk regulations, but which has been designed to comply with the provisions that would apply were the site in a Predominantly Built-up Area (“PBA”); and

WHEREAS, the permissible Floor Area Ratio (“FAR”) in the subject zoning district is 0.9, and the FAR of the proposed building is 1.35; and

WHEREAS, the permissible number of dwelling units for one building in the subject zoning district is eight and the proposed building contains nine; and

WHEREAS, the required number of off-street parking spaces in the subject zoning district is nine and the proposal provides nine; and

WHEREAS, the applicant notes that prior to 1961, Homecrest Avenue, between East 12th and East 13th Streets, was removed from the City map, making the area oversized and consequently ineligible for PBA status, which applies only to an area up to a maximum size of 4 acres; and

WHEREAS, the subject lot is directly adjacent to an R5 zoning district, as East 12th Street is divided by a district boundary; and
return; and

WHEREAS, based upon its review of the record, the Board determines that because of the subject lot’s unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

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

WHEREAS, the record indicates that subject property is immediately adjacent to an R5 zoning district, and to two seven story apartment buildings within this R5 district; and

WHEREAS, the applicant represents that the proposed building will be consistent with development which would be permitted on almost every other similar block in the area; and

WHEREAS, the Board notes that the use of the premises for a residential building is as of right; 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

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application is the minimum variance necessary to afford the owner relief; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R4 zoning district, the proposed construction of a three story and cellar, nine family residential building, Use Group 2, which exceeds the permitted floor area and number of dwelling units, provides less than the required parking, and provides less than the required distance from a window to a side lot line, contrary to Z.R. §§23-141b, 23-22, 25-23, and 23-861, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 2, 2003"- (5) sheets, and *on further condition*;

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

THAT all applicable fire safety measures shall be complied with;

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

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 13, 2003, acting on Department of Buildings Alt-1 Application No. 103523457, reads:

"Proposed Physical Culture Establishment is not permitted as-of-right in C5-3 Midtown zoning district (5th Av. Subdistrict) and its contrary to ZR 32-15"; and

WHEREAS, a public hearing was held on this application on January 27, 2004, after due notice by publication in *The City Record*, with a continued hearing on March 30, 2004, and then laid over to April 9, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit the legalization of an existing physical culture establishment ("PCE"), located on the second floor of a four story building, within a C2-8 (TA special district), where such use is only allowed by special permit; and

WHEREAS, the subject premises is a 20 by 60 ft. lot, is located on the west side of Second Avenue approximately 40 feet south of the intersection with East 58th Street, and is

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, April 20, 2004.

290-03-BZ

CEQR #03-BSA-066M

APPLICANT - Petraro & Jones, LLP, for Graceful Services, Inc., owner; Joseph B. Rosenblatt, lessee.

SUBJECT - Application September 3, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor of a four story building, within a C2-8(TA special district), where such use is only allowed by special permit.

PREMISES AFFECTED - 1097 Second Avenue, west side, 40' south of East 56th Street, Block 1331, Lot 126, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

currently occupied by a four story, 44 ft. high commercial and residential building; and

WHEREAS, the ground floor of the building is occupied by a commercial use, and the third and fourth floors are occupied by residential uses; and

WHEREAS, the PCE currently occupies, and will continue to occupy, 988 square feet of floor area on the second floor of the building; and

WHEREAS, the PCE opened for business on September 26, 2001; and

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

WHEREAS, pursuant to Z.R. §73-36(a)(1), a PCE must be located so as to not impair the essential character or future use or the development of the surrounding area; and

WHEREAS, the applicant represents that the character of the surrounding area is mixed use, with many non-residential uses along Second Avenue, including along the subject block's Second Avenue frontage, which contains a café, a restaurant, a deli, and a video rental store; and

WHEREAS, the proposed hours of operation of the

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PCE will be 10 AM to 10 PM, seven days a week; and

WHEREAS, the record indicates that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is to be located at the second floor of an existing four story commercial and residential building; and

WHEREAS, therefore, the Board finds that the proposed PCE 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, pursuant to Z.R. §73-36(a)(2), a PCE must contain one of the designated health and fitness uses set forth in this provision, including facilities for the practice of massage by New York State licensed masseurs or masseuses; and

WHEREAS, the proposed PCE will provide licensed massage services; copies of the licenses of the massage practitioners have been submitted to the Board; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantage to be derived by the community; 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. §§73-36 and 73-03; and

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

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

THAT all signage shall comply with the underlying signage regulations;

THAT the hours of operation shall be limited to 10 AM to 10 PM, seven days a week;

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

THAT no approval is given as to the metal storage shed present at the property; this shed shall comply with all applicable laws, as determined by the Department of Buildings;

THAT a certificate of occupancy be obtained within one year from the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection 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.

all relevant areas of environmental concern; and

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-36, and 73-03, to permit the legalization of an existing physical culture establishment, located on the second floor of a four story building, within a C2-8(TA special district), where such use is only allowed by special permit, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "November 12, 2004"- (6) sheets; and *on further condition*;

THAT the term of this special permit shall be limited to ten (10) years from September 26, 2001, expiring on September 26, 2011;

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

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

Adopted by the Board of Standards and Appeals, April 20, 2004.

363-03-BZ

CEQR #03-BSA-103K

APPLICANT - Sheldon Lobel, P.C., for Audubon Housing Development Fund Corp., owner.

SUBJECT - Application November 21, 2003 - under Z.R. §72-21 to permit the proposed eight-story residential building, Use Group 2, containing 118 units, located in an M1-4 zoning district, which is contrary to Z.R. §§42-00.

PREMISES AFFECTED - 480 East 176th Street, between Bathgate and Washington Avenues, Block 2917, Lots 17, 20, 23, 25 and 27, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

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Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 22, 2003, acting on Department of Buildings Application No. 200808199, reads:

“Proposed (7) seven story residential building in an M1-4 zoning district is contrary to section 42-00 ZR.”; and

WHEREAS, a public hearing was held on this application on March 30, 2004 after due notice by publication in the City Record; and then laid over for decision on April 20, 2004; and

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

WHEREAS, Community Board 6, Bronx, recommends approval of this application; and

WHEREAS, the application also has the support of the New York City Department of Housing, Preservation and Development and the Corporation for Supportive Housing; and

WHEREAS, this is an application under Z.R. §72-21 to permit a proposed eight-story residential building, Use Group 2, containing 118 units, located in an M1-4 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, approximately 30 percent of the units will be allocated to individuals referred from the New York City shelter system, and the remainder will be allocated to low-income individuals; and

WHEREAS, in addition to residential units, the building will contain 5000 square feet of supportive service space at the cellar level, to be used for case management, as well as employment and financial counseling; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the site in conformity with underlying district regulations: (1) the subject site contains an uneven distribution of underlying rock; and (2) the site is sloped at a 10 degree grade down East 176th Street; and

WHEREAS, the applicant submitted a supplemental architectural report discussing the above two physical conditions, and represents that they lead to design difficulties and premium construction costs; and

WHEREAS, the applicant submitted a supplemental letter explaining that the R7-X equivalent floor area is needed to allow for a specific number of units sufficient to generate annual income from rent to cover operating costs and debt servicing; and

WHEREAS, the Board finds that the applicant submitted sufficient information explaining the programmatic needs of the applicant and their relation to the requested variance; and

WHEREAS, based upon the foregoing, the Board finds

WHEREAS, the applicant is a not-for-profit entity with experience in development of low-income housing and the site and the proposed building will be owned and operated by it; and

WHEREAS, the subject premises is a vacant lot situated between Bathgate and Washington Avenues along East 176th Street, is comprised of five tax lots, and has a total lot area of approximately 24,607 square feet; and

WHEREAS, the subject zoning lot is proposed to be developed with a eight-story, 118 unit residential building, with a gross floor area of approximately 122,384 square feet and a height of approximately 88.5 feet, to be used for housing for low-income and formerly homeless individuals; no parking spaces will be provided on site; and

WHEREAS, the bulk of the proposed building will be comparable to development in an R7-X zoning district, with a Floor Area Ratio of 5; and

WHEREAS, the applicant represents that though normally the R7-X zoning district regulations require the provision of on site parking spaces for residential uses, such parking will not be provided because: 35 of the units in the proposed building qualify as community facility use, which is exempt from the parking requirements, and the remaining units generate a 12 space requirement, an amount that may be waived under Z.R. §25-261; and

that the unique conditions mentioned above, when considered in conjunction with the programmatic needs of the applicant, create practical difficulties and unnecessary hardship in developing the site in strict conformity with current applicable zoning regulations; and

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

WHEREAS, the applicant states that the proposed building will not conflict with the light manufacturing uses in the vicinity, and that the neighborhood contains both residential development and community facilities; and

WHEREAS, the Board finds that the residential use of the proposed building is not incompatible with other uses in the area, and notes that there are other residential buildings in the surrounding area; and

WHEREAS, the Board also finds that the bulk and height of the proposed building is not out of context with surrounding buildings, given the variety of building types existing in the vicinity; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, the Board finds that the current proposal is

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the minimum necessary to afford the owner relief; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed eight-story residential building, Use Group 2, containing 118 units, located in an M1-4 zoning district, which is contrary to Z.R. §§42-00; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked **69-03-BZ**

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21 to permit the 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.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 27, 2004, at 10 A.M., for deferred decision.

223-03-BZ

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Majority Baptist Church, owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - Under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility, located in a C2-2 within an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 115-15 Farmers Boulevard, bounded by 115th Road and 115th Avenue, Block 11032, Lot 4, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

“March 16, 2004”-(10) sheets; and *on further condition*:

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 20, 2004.

For Applicant: Robert Gandioso.

ACTION OF THE BOARD - Laid over to June 15, 2004, at 1:30 P.M., for postponed hearing.

224-03-BZ

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Mal Pal Realty Corp., owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility, located in an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 139-19 109th Avenue, bounded by 139th and 142nd Streets, Block 10068, Lots 210, 213, 214 and 215, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Robert Gandioso.

For Opposition: L. Benjamin, Lorraine Daniels and Jane Lashley.

ACTION OF THE BOARD - Laid over to June 15, 2004, at 1:30 P.M., for continued hearing.

266-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 1710-2 McDonald Realty, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-50 to permit the proposed enlargement of an existing warehouse (furniture), situated in an M1-1 zoning district, by

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constructing a one-story addition at the rear, that will encroach into the required yard between district boundaries, is contrary to Z.R. §43-302.

PREMISES AFFECTED - 1710/12 McDonald Avenue, west side, 60' south of Avenue "O", Block 6607, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to May 11, 2004, at 1:30 P.M., for continued hearing.

271-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank Scelta, owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a five family, three-story multiple

287-03-BZ

APPLICANT - Stuart A. Klein, Esq., for First Step Realty, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a six-story residential building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 430 Keap Street, southeast corner of Hope Street, Block 2387, Lot 2, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein and Robert Paulo.

ACTION OF THE BOARD - Laid over to June 8, 2004, at 1:30 P.M., for continued hearing.

291-03-BZ

APPLICANT - Stuart A. Klein, Esq., for 6202 & 6217 Realty Company, owner.

SUBJECT - Application September 4, 2003 - under Z.R. §72-21 to permit the proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1380 62nd Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 22, 2004, at 1:30 P.M., for continued hearing.

302-03-BZ

APPLICANT - Harold Weinberg, P.E., for Albert Gonter, owner.

SUBJECT - Application September 22, 2003 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement to an existing one family dwelling, also an extension of the residential use into the

dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10, §42-11 and §42-12.

PREMISES AFFECTED - 976 Metropolitan Avenue, between Catherine Street and Morgan Avenue, Block 2918, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker, Frank Scala and Everett Parker.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 11, 2004, at 1:30 P.M., for decision, hearing closed.

attic, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1212 East 23rd Street, west side, 100' south of Avenue "L", Block 7640, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to May 25, 2004, at 1:30 P.M., for continued hearing.

356-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Eliezer Jeidel and Rachele Jeidel, owners.

SUBJECT - Application February 9, 2004 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space and side yard, is contrary to Z.R. §23-141 and §23-461.

PREMISES AFFECTED - 2311 Avenue "J", between East 23rd and East 24th Streets, Block 7587, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman and David Shteierman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 18, 2004, at 1:30 P.M., for decision, hearing closed.

361-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph

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Chakkalo and Ninett Chakkalo, owner.

SUBJECT - Application November 20, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R4 (OP) zoning district, which does not comply with the zoning requirements for open space ratio, lot coverage and rear yard, is contrary to Z.R. §23-141 and §23-47. PREMISES AFFECTED - 2277 East 2nd Street, between Avenue "W" and Gravesend Neck Road, Block 7154, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman and David Shteierman.

367-03-BZ

APPLICANT - Eric Palatnik, P.C., for 1224 Brunswick Realty Corp., owner.

SUBJECT - Application November 25, 2003 - under Z.R. §72-21 to permit the proposed conversion of a former movie theater, to a warehouse with ancillary retail space, located in C1-2, C4-2 and R-5 zoning districts, with loading occurring within the R-5 portion of the site, does not comply with the zoning requirements, for perimeter wall height, total height, side and rear yards, sky exposure, off-street parking and loading, is contrary to Z.R. §32-00, §22-00, §23-631d, §23-461, §23-543, §36-21 and §36-681.

PREMISES AFFECTED - 714 Beach 20th Street, between New Haven and Cornaga Avenues, Block 15564, Lots 25 and 55, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik and David Shteierman.

ACTION OF THE BOARD - Laid over to May 25, 2004, at 1:30 P.M., for continued hearing.

ACTION OF THE BOARD - Laid over to May 18, 2004, at 1:30 P.M., for continued hearing.

ACTION OF THE BOARD - Laid over to June 8, 2004, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:10 P.M.

377-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Bond Street Garage I, LLC, owner; Tribeach Holdings, LLC, contract vendee.

SUBJECT - Application December 4, 1993 - under Z.R. §72-21 to permit the proposed mixed-use building, located in an M1-5B zoning district, which creates non-compliance with regards to residential and retail uses, also public parking and floor area, which is contrary to Z.R. §42-00, §42-14, §32-17 and §43-12.

PREMISES AFFECTED - 25 Bond Street, south side, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis

For Opposition: Stuart Klein.

THE VOTE TO CLOSE HEARING -

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

Negative:0